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ABSTRACT

To inform states regarding their compliance with practices mandated by the Child Support Enforcement Amendments of 1984, this document provides a state by state analysis of the effects of the amendment on state child support laws. Information for each state is divided into two sections. The first section lists state laws that contain many or all of the features required by the federal legislation. These laws include both those enforcement tools requiring legislation and those that may be accomplished without legislation. The second section presents areas of law that may be reviewed for statutory changes, and includes only those mandatory practices requiring legislation. Optional provisions of the amendments which states may wish to add to their programs to increase their effectiveness are listed in Appendix A. A list of states' complete statutory code citations is provided in Appendix B. Appendix C announces the availability of special funds for on-site technical assistance to aid state legislators working to improve their state's support enforcement programs. (RH)

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STATE CHILD SUPPORT LAWS:
COMPLIANCE WITH THE 1984 FEDERAL AMENDMENTS

by
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INTRODUCTION

The Child Support Enforcement Amendments of 1984, P.L. 98-378, mandated sweeping changes in state child support enforcement programs and laws. This document is an analysis of the effects of this federal legislation on state child support laws.

The cornerstone of the 1984 legislation is the set of mandatory practices that must be adopted by every state. Chief among these practices are the enforcement tools that require state legislative action:

- mandatory income withholding;
- expedited process;
- state income tax refund intercepts;
- liens on real and personal property;
- posting of bonds or security;
- release of information to consumer credit agencies; and
- paternity establishment until a minor's 18th birthday.

There are also practices mandated by the 1984 Amendments that may or may not be accomplished with legislation. These include:

- services for non-AFDC clients;
- guidelines for support awards;
- health insurance provision in support orders;
- enforcement of spousal support; and
- services for foster care cases.

This analysis seeks to inform states regarding their compliance with these mandatory practices. The information for each state is divided into two sections. The first section lists state laws that contain many or all of the features required by P.L. 98-378. These laws include both those enforcement tools requiring legislation and those that may be accomplished without legislation. The second section presents areas of law that may be reviewed for statutory changes, and includes only those mandatory practices requiring legislation.

The Child Support Enforcement Amendments of 1984 necessitate many other changes in the operation of state child support programs. State legislators may wish to consult with the director of their state's child support program regarding the fiscal impact of this law in their state.

P.L. 98-378 also suggests items states may, at their option, wish to add to their programs to increase their effectiveness. These optional provisions are listed in Appendix A.

The statutory cites used throughout this analysis refer to the sections of that state's statutory code. A list of the full code cites may be found in Appendix B.

Additional federal legislation has been passed since the last edition of the analysis. P.L. 99-509, signed on October 21, 1986, includes a provision (Section 9103) requiring states to have legislation prohibiting the retroactive modification of child support arrearages. Analysis of states' enactment of such a provision will be included in forthcoming updates of the analysis.

This analysis is one of a series of publications developed by NCSL's Child Support Enforcement Project. The project is in its seventh year serving state lawmakers who wish to improve their state child support programs. A complete description of the project and its services may be found on the inside back cover of this publication. An announcement regarding the availability of technical assistance is included in Appendix C.

NCSL and the Office of Child Support Enforcement are planning to keep this publication current by releasing updates of the legislative analysis for those states that enact further legislation. These updates will be made available to all of those who received this document.

ALABAMA

The federal Child Support Amendments of 1984 mandate certain legislative modifications of the Alabama Child Support program. The following provisions in Alabama law contain many of the features mandated by P.L. 98-378:

- o Act 84-445, the mandatory income withholding law;
- o Section 40-18-100 et seq., the state income tax refund intercept law;
- o Sections 6-9-210 and 6-9-212, which allow the imposition of liens on real and personal property;
- o Sections 26-17-14, 30-4-59, and 30-4-96, which permit a court to require a parent to post a bond or security to insure future child support payments;
- o Section 26-17-8, which allows the establishment of paternity until a minor's 18th birthday.

Modifications of and additions to Alabama law to meet the Child Support Enforcement Amendments of 1984 would include:

- * Amending Act 84-445, the mandatory income withholding law, to include:
  - *elimination of the need to return to court to initiate the withholding;
  - *provision limiting obligor's defenses to mistakes of fact in contested withholding cases;
  - *provision to allow State to allocate withheld amounts among multiple orders;
  - *provision stating that payment of overdue support upon notice of withholding cannot be used as the sole basis for preventing the initiation of withholding;
  - *provision for State to notify obligor of outcome of a contest, the withholding time frame, if appropriate, and the contents of the notice to the employer within 45 days of the contest;
  - *simplification of the process by the State, such as allowing the employer to remit all withheld amounts in one check;
  - *procedure for withheld amount to be sent to the State within 10 days of the date obligor is paid;
  - *procedure for notice to be sent to the employer immediately if the absent parent does not contest the withholding within the time frame available;
  - *designation by the State of a publicly accountable agency to administer the withholding system;
  - *provision for prompt distribution of withheld amounts to the obligee;
- o Provision specifying mandatory use of an expedited process to establish and enforce support orders in intrastate and interstate cases and to include:
  - --procedure for temporary orders to be entered by the expedited process in complex cases;
  - --provision to protect the due process rights of the parties;
  - --procedures to insure the qualifications of the presiding officers;
  - --the functions performed by the presiding officers must include:
    - o taking testimony and establishing a record;

- o evaluating evidence and making recommendations or decisions to establish and enforce orders;
- o accepting voluntary acknowledgement of support liability and stipulated agreements setting the amount of support to be paid;
- o entering default orders if the absent parent does not respond to notice or other State process within a reasonable period of time specified by the State;

* Amending Section 40-18-100, the state income tax refund intercept law, to include:
- *procedure applies to all IV-D cases, including interstate cases;
- *provision to notify non-AFDC custodial parents if AFDC arrearages are satisfied first;
- *procedure for revenue agency to provide absent parent's address and Social Security Number to IV-D agency;

* Amending Sections 26-17-14, 30-4-59, and 30-4-96, to include a provision requiring that the absent parent receive advance notice including the procedure to contest the impending action in compliance with the State's due process requirements;

* Enacting a provision to:
- * allow the release of information concerning an obligor's child support obligation to consumer credit agencies;
- * make procedure mandatory when arrearage is over $1000;
- * include a procedure for advance notice to the absent parent and for an opportunity to contest the accuracy of the information.

A state may request an exemption from any of these requirements. To request an exemption from the Department of Health and Human Services, the state need only submit copies of existing administrative regulations or court rules that show compliance with any of these provisions or data to support alternative practices.

* An asterisk indicates those provisions for which there is no state legislation, or inadequate legislation, but which have been implemented in total or in part either administratively or by state regulation. Therefore, legislative activity may be unnecessary.

ALASKA

The federal Child Support Amendments of 1984 mandate certain legislative modifications of the Alaska Child Support program. The following provisions in Alaska law contain many of the features mandated by P.L. 98-378:

- o Section 47.23.100, which provides equal treatment for AFDC and non-AFDC clients;
- o Section 09.65.132, the mandatory income withholding law;
- o Section 47.23.020 et seq., the administrative process law;
- o Section 47.23.253, which provides for the intercept of any refund or disbursement by the Department of Revenue for the satisfaction of child support obligations;
- o Section 47.23.230, which provides for the imposition of liens on real and personal property;
- o Section 47.23.060, the provision by which a court may require a parent to post a bond or security to insure future support payments;
- o Section 47.23.273, which allows the release of information concerning an obligor's child support obligation to consumer credit agencies;
- o Section 47.23.020 (a)(9), which provides for the inclusion of medical insurance in support orders;
- o Section 47.23.020 (a)(8), which provides for the collection of spousal support.

Modifications of and additions to Alaska law to meet the Child Support Enforcement Amendments of 1984 would include:

- * Amending Section 09.65.132, the mandatory income withholding law, to include:
  - *provision to allow non-custodial parent to request withholding at an earlier date;
  - *provision to allow State to allocate withheld amounts among multiple orders;
  - *withheld amount must be sent to the State within 10 days of the date the obligor is paid;
- * Amending Section 47.23.020 et seq., the administrative process law, to allow the entering of temporary orders and the accepting of voluntary acknowledgements of support liability and stipulated agreements setting the amount of support to be paid.

* Asterisks indicate those provisions for which there is no state legislation, or inadequate legislation, but which have been implemented in total or in part either administratively or by state regulation. Therefore, legislative activity may be unnecessary.

ARIZONA

The federal Child Support Amendments of 1984 mandate certain legislative modifications of the Arizona Child Support program. The following provisions in Arizona law contain many of the features contained in P.L. 98-378:

- o Section 12-2456, which provides for the equal treatment of AFDC and non-AFDC clients and for a fee chargeable for non-AFDC services;
- o Sections 12-2454 and 12-2454.01, the mandatory income withholding law;
- o Section 12-298, the expedited judicial process;
- o Section 43-614, the state income tax refund intercept law;
- o Section 12-2455, which allows the imposition of liens against real and personal property;
- o Section 12-2453, the provision by which a court may require a parent to post a bond or security to insure future support payments;
- o Section 12-2459, which allows the release of information concerning an obligor's child support obligation to consumer credit agencies;
- o Section 25-320, which provides for the inclusion of medical insurance in support orders;
- o Section 12-2454, which provides for the collection of spousal support;
- o Section 8-243.02, which provides for services in certain foster care cases.

Modifications of and additions to Arizona law to meet the Child Support Enforcement Amendments of 1984 would include:

- * Amending Sections 12-2454 and 12-2454.01, the mandatory income withholding law, to include:
  - *elimination of the need to return to court to initiate the withholding;
  - *provision for a non-custodial parent to request withholding at an earlier date;
  - *provision to allow State to allocate withheld amounts among multiple orders;
  - *procedure to implement the withholding no later than the first pay period that occurs after 14 days from the mailing date on the notice;
  - *provision for prompt distribution of withheld amounts to the obligee;
- o Provision specifying mandatory use of an expedited process to establish and enforce support orders in intrastate and interstate cases and to include:
  - --provision stating that the presiding officer cannot be a judge;
  - --procedure for temporary orders to be entered by the expedited process in complex cases;
  - --provision for orders to have the same force and effect as judicial orders;
  - --provision to protect the due process rights of the parties;
  - --procedure to provide the parties with copies of the order;
  - --procedures to insure the qualifications of the presiding officers;

--the functions performed by the presiding officers must include:
- o taking testimony and establishing a record;
- o evaluating evidence and making recommendations or decisions to establish and enforce orders;
- o accepting voluntary acknowledgement of support liability and stipulated agreements setting the amount of support to be paid;
- o entering default orders if the absent parent does not respond to notice or other State process within a reasonable period of time specified by the State;

* Amending Section 43-614, the state income tax refund intercept law, to include a provision to notify non-AFDC custodial parents if AFDC arrearages are satisfied first;
* Amending Section 12-2459 which allows for the dissemination of information concerning the obligor's child support debt to consumer credit bureaus,to:
  *make procedure mandatory when arrearage is over $1000;
  *include a procedure for advance notice to the absent parent and for an opportunity to contest the accuracy of the information.

A state may request an exemption from any of these requirements. To request an exemption from the Department of Health and Human Services, the state need only submit copies of existing administrative regulations or court rules that show compliance with any of these provisions or data to support alternative practices.

* Asterisks indicate those provisions for which there is no state legislation, or inadequate legislation, but which have been implemented in total or in part either administratively or by state regulation. Therefore, legislative activity may be unnecessary.

ARKANSAS

The federal Child Support Amendments of 1984 mandate certain legislative modifications of the Arkansas Child Support program. The following provisions in Arkansas law contain many of the features mandated by P.L. 98-378:

- o Section 23 of House Bill 316 (1985), which provides for the equal treatment of AFDC and non-AFDC clients and for a fee chargeable for non-AFDC services;
- o Section 6 et seq., of House Bill 316 (1985), the mandatory income withholding law;
- o Section 34-1237 and Section 34-701.2, which provide for the expedited judicial process;
- o Section 89-4904 et seq., the state income tax refund intercept law;
- o Sections 2 and 3 of House Bill 316 (1985), which provide for the imposition of liens on real and personal property;
- o Section 34-1211, the provision by which a court may require a parent to post a bond or security to insure future support payments;
- o Section 29 of House Bill 316 (1985), which allows the release of information concerning an obligor's child support obligation to consumer credit agencies;
- o Section 4 of House Bill 316 (1985), which provides for the inclusion of medical insurance in support orders.

Modifications of and additions to Arkansas law to meet the Child Support Enforcement Amendments of 1984 would include:

- * Amending Section 6 et seq. of House Bill 316 (1985), the mandatory income withholding law, to provide that withheld amounts must be sent to the State within 10 days of the date the obligor is paid;
- * Amending Section 89-4904, the state income tax refund intercept law, to include:
  - *provision to notify non-AFDC custodial parents if AFDC arrearages are satisfied first;
  - *procedures for prompt refund or distribution of collections.

* Asterisks indicate those provisions for which there is no state legislation, or inadequate legislation, but which have been implemented in total or in part either administratively or by state regulation. Therefore, legislative acitivity may be unnecessary.

CALIFORNIA

The federal Child Support Amendments of 1984 mandate certain legislative modifications of the California Child Support program. The following provisions in California law contain many of the features mandated by P.L. 98-378:

- Section 11475.1 of the Welfare and Institutions Code, which provides for equal treatment of AFDC and non-AFDC clients and for a fee chargeable for non-AFDC services;
- Section 4701 of the Civil Code, the mandatory income withholding law;
- Section 12419.5 of the Government Code and Section 708.730 of the Code of Civil Procedure, the state income tax refund intercept law;
- Sections 697.310, 697.320, and 697.510 of the Code of Civil Procedure, which allow the imposition of liens on real and personal property;
- Section 4700 of the Civil Code, the provision by which a court may require a parent to post a bond or security to insure future support payments;
- Sections 4750 and 4751 of the Code of Civil Procedure, which allow the release of information concerning the obligor's child support obligation to consumer credit agencies;
- Section 7006 of the Civil Code, which allows the establishment of paternity until a minor's 18th birthday;
- Section 4720 of the Civil Code, guidelines to be used in the determination of support awards;
- Sections 11490 and 11491 of the Welfare and Institutions Code, which provide for the inclusion of medical insurance in support orders.

Modifications of and additions to California law to meet the Child Support Enforcement Amendments of 1984 would include:

- Amending Section 4701 of the Civil Code, the mandatory income withholding law, to include the triggering of withholding when the amount of arrearages equals the amount of one month's support;
- Amending the expedited process to include a procedure for the entering of temporary support orders in complex cases.

A state may request an exemption from any of these requirements. To request an exemption from the Department of Health and Human Services, the state need only submit copies of existing administrative regulations or court rules that show compliance with any of these provisions or data to support alternative practices.

COLORADO

The federal Child Support Enforcement Amendments of 1984 mandate certain legislative modifications of the Colorado Child Support program. The following provisions in Colorado law contain many of the features mandated by P.L. 98-378:

- Section 26-13-106, which provides for equal access to services for both AFDC and non-AFDC clients and for a fee chargeable for non-AFDC services;
- Section 14-14-107, the mandatory income withholding law;
- Section 13-5-301, which provides for an expedited judical process;
- Section 26-13-111, the state income tax refund intercept law;
- Section 13-52-102, which allows the imposition of liens on real and personal property;
- Section 14-14-109, the provision by which a court may require a parent to post a bond or security to insure future support payments;
- Section 26-13-116, which allows the release of information concerning an obligor's child support obligation to consumer credit agencies;
- Section 19-6-108, which allows establishment of paternity until a minor's 18th birthday;
- Section 14-10-115, guidelines to be used in the determination of support awards;
- Section 14-14-105, which provides for the enforcement of spousal support;
- Section 26-13-113, services for certain foster care cases.

Modifications of and additions to Colorado law to meet the Child Support Enforcement Amendments of 1984 would include:

- Amending Section 14-14-107, the mandatory income withholding law, to include:
  --the amount withheld includes current support and payment towards the liquidation of arrearages;
  --provision to allow State to allocate withheld amounts among multiple orders;
  --provision stating that payment of overdue support upon notice of withholding cannot be used as the sole basis for preventing the initiation of withholding;
  --provision for advance notice to be sent to the absent parent on the trigger date which includes the following:
    - amount to be withheld;
    - procedures and time frame for contesting the withholding on the basis of mistake of fact;
    - notice that withholding applies to subsequent employment;
    - State action upon receipt of contest;
    - notice that withholding will commence if there is no appeal within said time frame;
  --provision for State to notify the obligor of outcome of contest, the withholding time frame, if appropriate, and the contents of the notice to the employer within 45 days of the contest;
  --simplification of the process by the State, such as allowing the employer to remit all withheld amounts in one check;

--withheld amount must be sent to the State within 10 days of the date the obligor is paid;
--procedure for advance notice to the employer which includes the amount to be withheld and any information necessary for the employer to comply with the withholding order;
--procedure for notice to be sent to the employer immediately if the absent parent does not contest the withholding withhin the time frame available;
--provision for the prompt distribution of withheld amounts to the obligee;

- o Amending Section 13-5-301, the expedited judicial process, to specify mandatory use of the process to establish and enforce support orders, and to include:
  --procedures to provide the parties with copies of the order;
  --accepting voluntary acknowledgements of support liability and stipulated agreements setting the amount of support to be paid;
- * Amending Section 26-13-111, the state income tax refund intercept law, to include:
  *provision for procedure to apply to interstate cases;
  *procedures for contesting must comply with state due process requirements;
  *provision to notify non-AFDC custodial parents if AFDC arrearages are satisfied first;
- o Amending Senate Bill 69 (1986) to clarify that paternity can be established until a minor's 18th birthday.

A state may request an exemption from any of these requirements. To request an exemption from the Department of Health and Human Services, the state need only submit copies of existing administrative regulations or court rules that show compliance with any of these provisions or data to support alternative practices.

* Asterisks indicate those provisions for which there is no state legislation, or inadequate legislation, but which have been implemented in total or in part either administratively or by state regulation. Therefore, legislative activity may be unnecessary.

CONNECTICUT

The federal Child Support Amendments of 1984 mandate certain legislative modifications of the Connecticut Child Support program. The following provisions in Connecticut law contain many of the features mandated by P.L. 98-378:

- Sections 17-31i and 52-259b, which provide for equal treatment of AFDC and non-AFDC clients and for a fee chargeable to non-AFDC clients;
- Section 52-362, the mandatory income withholding statute;
- Public Act 86-359, the Family Support Magistrate Act;
- Section 7 of Public Act 85-548, which provides for imposition of liens against real and personal property;
- Section 46(b)-215, the provision by which a court may require a parent to post a bond or security to insure future support payments;
- Section 7(b) of Public Act 85-548, which allows the release of information concerning an obligor's child support obligation to consumer credit agencies;
- Section 46(b)-160, which allows for the establishment of paternity until a minor's 18th birthday;
- Section 46(b)-84, providing that medical insurance may be included in child support order;
- Section 52-362, the collection of spousal support;
- Section 46(b)-130, which provides services for certain foster care cases.

Modifications of and additions to Connecticut law to meet the Child Support Enforcement Amendments of 1984 would include:

- Amending Section 52-362, the mandatory income withholding law, to include:
  --provision for a non-custodial parent to request withholding at an earlier date;
  --provision stating that payment of overdue support upon notice of withholding cannot be used as the sole basis for preventing the initiation of withholding.

A state may request an exemption from any of these requirements. To request an exemption from the Department of Health and Human Services, the state need only submit copies of existing administrative regulations or court rules that show compliance with any of these provisions or data to support alternative practices.

DELAWARE

The federal Child Support Amendments of 1984 mandate certain legislative modifications of the Delaware Child Support program. The following provisions in Delaware law contain many of the features mandated by P.L. 98-378:

- 13 Section 513, the mandatory income withholding law;
- 10 Section 913 et seq., the expedited judicial process;
- 11 Section 30-1205 to -1209 and 13 Section 516, the state income tax refund intercept law;
- 13 Section 513, which allows the imposition of liens on real and personal property;
- 13 Section 516, the provision by which a court may require a parent to post a bond or security to insure future support payments;
- 13 Section 806, which allows the establishment of paternity until a minor's 18th birthday;
- 13 Section 514, factors to be used in the determination of support awards;
- 13 Section 513, which provides for the inclusion of medical insurance in support orders;
- 15 Section 502, which provides for the collection of spousal support.

Modifications of and additions to Delaware law to meet the Child Support Enforcement Amendments of 1984 would include:

- Amending 13 Section 513, the mandatory income withholding law, to include:
  --provision for the advance notice sent to the absent parent on the trigger date to include:
    - the amount owed;
    - the amount to be withheld; and
    - notice that the withholding applies to subsequent employment;
  --employer fine for refusal to hire an obligor because of the existence of a withholding order;
- Provision in expedited judicial process which specifies written procedures to insure the qualifications of the presiding officer and to specify that the functions of the presiding officers include:
  --taking testimony and establishing a record;
  --evaluating evidence and making recommendations or decisions to establish and enforce orders;
  --accepting voluntary acknowledgements of support liability and stipulated agreements setting the amount of support to be paid;
  --entering default orders if the absent parent does not respond to notice or other State process within a reasonable period of time specified by the State;
- Amending 11 Section 30-1205 to -1209 and 13 Section 516, the state income tax refund intercept law, to include:
  --provision to notify non-AFDC custodial parents if AFDC arrearages are satisfied first;
  --procedures for prompt refund or distribution of collections;

--procedure for revenue agency to provide absent parent's address and Social Security Number to IV-D agency.

A state may request an exemption from any of these requirements. To request an exemption from the Department of Health and Human Services, the state need only submit copies of existing administrative regulations or court rules that show compliance with any of these provisions or data to support alternative practices.

FLORIDA

The federal Child Support Amendments of 1984 mandate certain legislative modifications of the Florida Child Support program. The following provisions in Florida law contain many of the features mandated by P.L. 98-378:

- Section 409.2567, which provides for equal treatment of AFDC and non-AFDC clients;
- Section 61.1301 and Section 61.13015, the mandatory income withholding law;
- Section 61.1352, which allows the imposition of liens on an obligor's real and personal property;
- Section 61.1354, which allows the release of information concerning an obligor's child support obligation to consumer credit agencies;
- Section 61.001 and Section 409.2554, which provide for the collection of spousal support.

Modifications of and additions to Florida law to meet the Child Support Enforcement Amendments of 1984 would include:

- Amending Section 61.1301 and Section 61.13015, the mandatory income withholding law, to include a provision for the advance notice sent to the absent parent to include notice of the State action to be taken upon the receipt of a contest;
- Provision specifying mandatory use of an expedited process to establish and enforce support orders in intrastate and interstate cases and to include:
  - --provision stating that the presiding officer cannot be a judge;
  - --procedure for temporary orders to be entered by the expedited process in complex cases;
  - --provision for orders to have the same force and effect as judicial orders;
  - --provision to protect the due process rights of the parties;
  - --procedure to provide the parties with copies of the order;
  - --procedures to insure the qualifications of the presiding officers;
  - --the functions performed by the presiding officers must include:
    - taking testimony and establishing a record;
    - evaluating evidence and making recommendations or decisions to establish and enforce orders;
    - accepting voluntary acknowledgement of support liability and stipulated agreements setting the amount of support to be paid;
    - entering default orders if the absent parent does not respond to notice or other State process within a reasonable period of time specified by the State.

A state may request an exemption from any of these requirements. To request an exemption from the Department of Health and Human Services, the state need only submit copies of existing administrative regulations or court rules that show compliance with any of these provisions or data to support alternative practices.

GEORGIA

The federal Child Support Amendments of 1984 mandate certain legislative modifications of the Georgia Child Support program. The following provisions in Georgia law contain many of the features mandated by P.L. 98-378:

- o Section 19-11-8, which provides for equal treatment for AFDC and non-AFDC clients and for a fee chargeable to non-AFDC clients;
- o Sections 18-4-130 et seq., and 19-11-19 et seq., the mandatory income withholding law;
- o Section 19-11-4 et seq., the state administrative process;
- o Section 48-7-160 et seq., the state income tax refund intercept law;
- o Section 19-11-18, which provides for the imposition of liens on real and personal property;
- o Section 19-11-25, which allows the release of information concerning an obligor's child support obligation to consumer credit agencies;
- o Section 19-11-26, which provides for the inclusion of medical insurance in a child support order;
- o Section 19-11-8, which provides for the enforcement of spousal support;
- o Section 19-11-6, which provides services for foster care in certain cases.

Modifications of and additions to Georgia law to meet the Child Support Enforcement Amendments of 1984 would include:

- * Amending Sections 18-4-130 et seq. and 19-11-19, the mandatory income withholding law, to include:
  - *provision to allow State to allocate withheld amounts among multiple orders;
  - *provision stating that payment of overdue support upon notice of withholding cannot be used as the sole basis for preventing the initiation of withholding;
  - *provision for termination of withholding under which payment of overdue support cannot be the sole basis for termination;
  - *provision for the notice sent to the absent parent to include:
    - o notice that withholding applies to subsequent employment;
    - o notice that if no response is made within time frame for contesting, withholding will commence;
  - *provision for State to notify the obligor of the outcome of the contest, the withholding time frame, if appropriate, and the contents of the notice to the employer within 45 days of the contest;
  - *simplification of the withholding process by the State, such as allowing the employer to remit all withheld amounts in one check;
  - *withheld amount must be sent to the State within 10 days of the date the obligor is paid;
  - *recognition of this income withholding order as having priority over any other legal process under State law;
  - *procedure to implement the withholding no later than the first pay period that occurs after 14 days from the mailing date on the notice;

*procedure for notice to be sent to the employer immediately if the absent parent does not contest the withholding within the time frame available;

* Provision specifying the entry of temporary orders in complex cases through the expedited process;

* Amending Section 48-7-160, the state income tax refund intercept law, to include:
  *provision to notify non-AFDC custodial parents if AFDC arrearages are satisfied first;
  *procedure for prompt refund or distribution of collections;
  *procedure for revenue agency to provide absent parent's address and Social Security Number to IV-D agency.

* Asterisks indicate those provisions for which there is no state legislation, or inadequate state legislation, but which have been implemented in total or in part either administratively or by state regulation.

HAWAII

The federal Child Support Amendments of 1984 mandate certain legislative modifications of the Hawaii Child Support program. The following provisions in Hawaii law contain many of the features mandated by P.L. 98-378:

- o Section 2 -3 of Senate Bill 1843 (1986), which provides for equal treatment of AFDC and non-AFDC clients and for a fee chargeable for non-AFDC;
- o Section 571-52.2, the mandatory income withholding law;
- o Section 231-51 et seq., the state income tax refund intercept law;
- o Section 2 -6(7) of Senate Bill 1843 (1986), which allows the imposition of liens against real and personal property;
- o Section 2 -6(5) of Senate Bill 1843 (1986), which allows a court to require a parent to post a bond or security to insure future support payments;
- o Section 584-7, which allows for the establishment of paternity until a minor's 18th birthday;
- o Section 2 -6(6) of Senate Bill 1843 (1986), which allows the release of information concerning an obligor's child support obligation to consumer credit agencies;
- o Sections 2 -7 and 4 of Senate Bill 1843 (1986), which calls for the use of guidelines to be used in the determination of support awards;
- o Section 4 of Senate Bill 1843 (1986), which provides for the inclusion of medical insurance in support orders;
- o Section 571-52.1, which provides for the collection of spousal support.

Modifications of and additions to Hawaii law to meet the Child Support Enforcement Amendments of 1984 would include:

- o Amending Section 571-52.2, the mandatory income withholding law, to include:
  --provision to allow State to allocate amounts withheld among multiple orders;
  --recognition of Consumer Credit Protection Act limits;
  --provision for prompt distribution of withheld amounts to the obligee;
- * Provision specifying mandatory use of an expedited process to establish and enforce support orders in intrastate and interstate cases and to include:
  *provision stating that the presiding officer cannot be a judge;
  *procedure for temporary orders to be entered by the expedited process in complex cases;
  *provision for orders to have the same force and effect as judicial orders;
  *provision to protect the due process rights of the parties;
  *procedure to provide the parties with copies of the order;
  *procedure to insure the qualifications of the presiding officers;
  *the functions performed by the presiding officers must include:
    - o taking testimony and establishing a record;
    - o evaluating evidence and making recommendations or decisions to establish and enforce orders;

- o accepting voluntary acknowledgement of support liability and stipulated agreements setting the amount of support to be paid;
- o entering default orders if the absent parent does not respond to notice or other State process within a reasonable period of time specified by the State;

* Amending Section 231-51 et seq., the state income tax refund intercept law, to include:

*provision to notify non-AFDC custodial parents if AFDC arrearages are satisfied first;

*procedure for the prompt refund or distribution of collections.

A state may request an exemption from any of these requirements. To request an exemption from the Department of Health and Human Services, the state need only submit copies of existing administrative regulations or court rules that show compliance with any of these provisions or data to support alternative practices.

* Asterisks indicate those provisions for which there is no state legislation, or indadequate legislation, but which have been implemented in total or in part either administratively or by state regulation. Therefore, legislative activity may be unnecessary.

IDAHO

The federal Child Support Amendments of 1984 mandate certain legislative modifications of the Idaho Child Support program. The following provisions in Idaho law contain many of the features mandated by P.L. 98-378:

- o Sections 8-704 and 56-203A, which provide for equal treatment for AFDC and non-AFDC clients and for a fee chargeable for non-AFDC services;
- o Section 32-1201 et seq., the mandatory income withholding law;
- o Section 56-203D, the state income tax refund intercept law;
- o Sections 10-1110 and 10-1111, which allow the imposition of liens against real and personal property;
- o Section 32-707, the provision by which a court may require a parent to post a bond or security to insure future support payments;
- o Section 7-1107, which allows the establishment of paternity until a minor's 18th birthday;
- o Section 32-706, which provides for the inclusion of health insurance in support orders;
- o Section 7-1049, which provides for the enforcement of spousal support.

Modifications of and additions to Idaho law to meet the Child Support Enforcement Amendments of 1984 would include:

- * Amending Section 32-1201 et seq., the mandatory income withholding law, to include:
  - *elimination of the need to return to court to initiate the withholding;
  - *provision to allow State to allocate withheld amounts among multiple orders;
  - *provision stating that payment of overdue support upon notice of withholding cannot be used as the sole basis for preventing the initiation of withholding;
  - *provision for termination of withholding under which payment of overdue support cannot be the sole basis for termination;
  - *provision for advance notice to the absent parent to be sent on the withholding trigger date which includes the following:
    - o notice that withholding applies to subsequent employment;
    - o State action upon receipt of contest;
    - o notice that this withholding will commence if there is no appeal within the given time frame;
  - *provision for prompt distribution of withheld amounts to the obligee;
- * Provision for withholding to be a part of all support orders issued or modified after 10-1-85.
- o Provision specifying mandatory use of an expedited process to establish and enforce support orders in intrastate and interstate cases and to include:
  - --provision stating that the presiding officer cannot be a judge;
  - --procedure for temporary orders to be entered by the expedited process in complex cases;
  - --provision for orders to have the same force and effect as judicial orders;
  - --provision to protect the due process rights of the parties;

--procedure to provide the parties with copies of the order;
--procedures to insure the qualifications of the presiding officers;
--the functions performed by the presiding officers must include:
  - o taking testimony and establishing a record;
  - o evaluating evidence and making recommendations or decisions to establish and enforce orders;
  - o accepting voluntary acknowledgement of support liability and stipulated agreements setting the amount of support to be paid;
  - o entering default orders if the absent parent does not respond to notice or other State process within a reasonable period of time specified by the State;

* Amending Section 56-203D, the state income tax refund intercept law, to include:
  - *provision to notify non-AFDC custodial parents if AFDC arrearages are satisfied first;
  - *procedure for contesting the withholding in accordance with state due process requirements;
  - *procedures for prompt refund or distribution of collections;
* Amending Section 32-707 to include a provision which requires that the absent parent receive advance notice including the procedure to contest the impending action in compliance with the State's due process requirements;
* Enacting a provision to:
  - *allow the release of information concerning an obligor's child support obligation to consumer credit agencies;
  - *make procedure mandatory when arrearage is over $1000;
  - *include a procedure for advance notice to the absent parent and for an opportunity to contest the accuracy of the information.

A state may request an exemption from any of these requirements. To request an exemption from the Department of Health and Human Services, the state need only submit copies of existing administrative regulations or court rules that show compliance with any of these provisions or data to support alternative practices.

* Asterisks indicate those provisions for which there is no state legislation, or inadequate legislation, but which have been implemented in total or in part either administratively or by state regulation. Therefore, legislative activity may be unnecessary.

ILLINOIS

The federal Child Support Amendments of 1984 mandate certain legislative modifications of the Illinois Child Support program. The following provisions in Illinois law contain many of the features mandated by P.L. 98-378:

- o Chapter 23 Section 10-1, which provides for equal treatment of AFDC and non-AFDC clients and for a fee chargeable for non-AFDC services;
- o Chapter 23 Section 10-16.2, Chapter 40 Section 706.1, Chapter 40 Section 1107 and Chapter 40 Section 1361B, the mandatory income withholding provisions;
- o Chapter 23 Sections 10-3 to 10-16, the administrative process law;
- o Chapter 15 Section 210.05, the state income tax refund intercept law;
- o Chapter 40 Section 1361, which allows a court to require a parent to post a bond or security to insure future support payments;
- o Chapter 40 Section 2508, which allows the establishment of paternity until a minor's 18th birthday;
- o Chapter 23 Section 10-1, which provides for the collection of spousal support.

Modifications of and additions to Illinois law to meet the Child Support Enforcement Amendments of 1984 would include:

- o Amending Chapter 23 Section 10-16.2, Chapter 40 Section 706.1, and Chapter 40 Section 1107, the mandatory income withholding provisions, to include a procedure for the prompt distribution of withheld amounts to the obligee;
- * Provision for withholding to be a part of all support orders issued or modified after 10-1-85.
- o Provision specifying mandatory use of the administrative process to establish and enforce support orders in intrastate and interstate cases and to include:
  - --provision stating that the presiding officer cannot be a judge;
  - --provision for orders to have the same force and effect as judicial orders;
  - --procedure for temporary orders to be entered by the expedited process in complex cases;
  - --procedures to provide the parties with copies of the order;
  - --procedures to insure the qualifications of the presiding officers;
  - --the functions performed by the presiding officers must include:
    - o taking testimony and establishing a record;
    - o evaluating evidence and making recommendations or decisions to establish and enforce orders;
    - o accepting voluntary acknowledgement of support liability and stipulated agreements setting the amount of support to be paid;
    - o entering default orders if the absent parent does not respond to notice or other State process within a reasonable period of time specified by the State;
- * Amending Chapter 15 Section 210.05, the state income tax refund intercept law, to include:

*provision to notify non-AFDC custodial parents if AFDC arrearages are satisfied first;
*provision making the process available in interstate cases;
*procedures for prompt refund or distribution of collections;

* Enacting a provision concerning the imposition of liens which includes:
*provision indicating that the process applies to all IV-D cases;
*provision for liens on real property;
*provision for liens on personal property;

* Amending Chapter 40 Section 1361 to indicate that the use of a bond to insure future support payments is available in all IV-D cases;

* Enacting a provision to:
*allow the release of information concerning an obligor's child support obligation to consumer credit agencies;
*make procedure mandatory when arrearage is over $1000;
*include a procedure for advance notice to the absent parent and for an opportunity to contest the accuracy of the information.

A state may request an exemption from any of these requirements. To request an exemption from the Department of Health and Human Services, the state need only submit copies of existing administrative regulations or court rules that show compliance with any of these provisions or data to support alternative practices.

* Asterisks indicate those provisions for which there is no state legislation, or inadequate legislation, but which have been implemented in total or in part either administratively or by state regulation. Therefore, legislative activity may be unnecessary.

INDIANA

The federal Child Support Amendments of 1984 mandate certain legislative modifications of the Indiana Child Support program. The following provisions in Indiana law contain many of the features mandated by P.L. 98-378:

- o Section 12.1-6.1-13, which provides for equal treatment for AFDC and non-AFDC clients and for a fee chargeable for non-AFDC services;
- o Section 31-2-10, the mandatory income withholding law;
- o Section 12.1-6.1-10.5, the expedited judicial process;
- o Section 6-8.1-9.5, the state income tax intercept law;
- o Section 31-1-11.5-13, which provides for the imposition of liens on real and personal property;
- o Sections 31-1-11.5-15, the provision by which a court may require a parent to post a bond or security to insure future support payments;
- o Section 12-1-6.1-15.3, which allows the release of information concerning an obligor's child support obligation to consumer credit agencies;
- o Section 31-6-6.1-6, which allows for the establishment of paternity until a minor's 18th birthday;
- o Section 31-1-11.5-12.1, which requires the inclusion of medical insurance in the support order;
- o Section 31-2-1-2, which provides for the enforcement of spousal support.

Modifications of and additions to Indiana law to meet the Child Support Enforcement Amendments of 1984 would include:

- * Amending Section 31-2-10, the mandatory income withholding law, to include:
  - *provision to allow State to allocate withheld amounts among multiple orders;
  - *recognition of this income withholding order as having priority over any other legal process under State law;
- * Amending Section 6-8.1-9.5, the state income tax refund intercept law, to include:
  - *provision to notify non-AFDC custodial parents if AFDC arrearages are satisfied first;
  - *procedures for prompt refund or distribution of collections.

* Asterisks indicate those provisions for which there is no state legislation, or inadequate legislation, but which have been implemented in total or in part either administratively or by state regulation. Therefore, legislative activity may be unnecessary.

IOWA

The federal Child Support Amendments of 1984 mandate certain legislative modifications of the Iowa Child Support program. The following provisions in Iowa law contain many of the features mandated by P.L. 98-378:

- o Section 252B.4, which provides for equal treatment of AFDC and non-AFDC clients and for a fee chargeable for non-AFDC services;
- o Senate File 2268, the mandatory income withholding law;
- o Section 252.C et seq., the administrative process law;
- o Section 252B.5.4, the state income tax refund intercept law;
- o Section 624.23, which allows the imposition of liens on real property;
- o Sections 252C.11, 598.22, and 675.42, the provisions by which a court may require a parent to post a bond or security to insure future support payments;
- o Section 675.25, which allows the establishment of paternity until a minor's 18th birthday;
- o House File 2467, which includes guidelines to be used in the determination of support awards;
- o Senate File 2268, which provides for the collection of spousal support.

Modifications of and additions to Iowa law to meet the Child Support Enforcement Amendments of 1984 would include:

- * Amending Senate File 2268, the mandatory income withholding law, to include:
  - *provision for a non-custodial parent to request withholding at an earlier date;
  - *simplification of the process by the State, such as allowing the employer to remit all withheld amounts in one check;
  - *provision stating that payment of overdue support upon notice of withholding cannot be used as the sole basis for preventing the initiation of withholding;
  - *provision for termination of withholding under which payment of overdue support cannot be the sole basis for termination;
  - *procedure for notice to be sent to the employer immediately if the absent parent does not contest the withholding within the time frame available;
  - *withheld amount must be sent to the State within 10 days of the date the obligor is paid;
  - *procedure for employer to notify the State or local withholding agency of the termination of the obligor's employment and of the obligor's last known address as well as the name and address of the new employer, if known;
- * Amending Section 252C. et seq., to make the administrative process mandatory;
- * Amending Section 252B.5.4, the state income tax refund intercept law, to include:
  - *provision to notify non-AFDC custodial parents if AFDC arrearages are satisfied first;
  - *applicability in interstate cases;
  - *procedure for prompt refund or distribution of collections;

* Amending Section 624.23, concerning the imposition of liens, to include a provision for liens on personal property.
* Enacting a provision to:
  *allow the release of information concerning an obligor's child support obligation to consumer credit agencies;
  *make procedure mandatory when arrearage is over $1000;
  *include a procedure for advance notice to the absent parent and for an opportunity to contest the accuracy of the information.

* Asterisks indicate those provisions for which there is no state legislation, or inadequate legislation, but which have been implemented in total or in part either administratively or by state regulation. Therefore, legislative activity may be unnecessary.

KANSAS

The federal Child Support Amendments of 1984 mandate certain legislative modifications of the Kansas Child Support program. The following provisions in Kansas law contain many of the features mandated by P.L. 98-378;

- o Section 39-756, which provides equal treatment for AFDC and non-AFDC clients and for a fee chargeable for non-AFDC services;
- o Sections 1 -14 of Senate Bill 51 (1985), the mandatory income law:
- o Sections 15 -26 of Senate Bill 51 (1985), the expedited judicial process;
- o Section 75-6202, the state income tax refund intercept law;
- o Section 60-2204, which allows for the imposition of liens on real property;
- o Section 29 of Senate Bill 51 (1985), which allows for the imposition of liens of personal property;
- o Section 11 of Senate Bill 51 (1985), the provision by which a court may require a parent to post a bond or security to insure future support payments;
- o Section 28 of Senate Bill 51 (1985), which allows the release of information concerning an obligor's child support obligation to consumer credit agencies;
- o Section 39-755, which allows the establishment of paternity until a minor's 18th birthday;
- o Section 39-755, which provides for the inclusion of medical insurance in support orders;
- o Section 2 of Senate Bill 51 (1985), which provides for the enforcement of spousal support.

Modifications of and additions to Kansas law to meet the Child Support Enforcement Amendments of 1984 would include:

- o Amending Sections 1 through 14 of Senate Bill 51 (1985), the mandatory income withholding law, to include:
  - --provision for advance notice to be sent to the absent parent on the withholding trigger date;
  - --provision to allow the State to allocate withheld amounts among multiple orders;
  - --provision for prompt distribution of withheld amounts to the obligee;
- * Amending Sections 15 through 26 of Senate Bill 51 (1985), the the expedited judicial process, to include:
  - *provision stating that the presiding officer cannot be a judge;
  - *procedure for temporary orders to be entered by the expedited process in complex cases;
  - *provision for orders to have the same force and effect as judicial orders;
  - *provision to protect the due process rights of the parties;
  - *procedure to provide the parties with copies of the order;
  - *procedures to insure the qualifications of the presiding officers;
  - *the functions performed by the presiding officers must include:
    - o taking testimony and establishing a record;

- o evaluating evidence and making recommendations or decisions to establish and enforce orders;
- o accepting voluntary acknowledgement of support liability and stipulated agreements setting the amount of support to be paid;
- o entering default orders if the absent parent does not respond to notice or other State process within a reasonable period of time specified by the State;

* Amending Section 75-6202, the state income tax refund intercept law, to include:

*provision to notify non-AFDC parents if AFDC arrearages are satisfied first;

*procedure to insure the prompt refund or distribution of collections.

A state may request an exemption from any of these requirements. To request an exemption from the Department of Health and Human Services, the state need only submit copies of existing administrative regulations or court rules that show compliance with any of these provisions or data to support alternative practices.

* Asterisks indicate those provisions for which there is no state legislation, inadequate state legislation, but which have been implemented in total or in part either administratively or by state regulation. Therefore, legislative activity may be unnecessary.

KENTUCKY

The federal Child Support Amendments of 1984 mandate certain legislative modifications of the Kentucky Child Support program. The following provisions in Kentucky law contain many of the features mandated by P.L. 98-378:

- Section 205.725, which provides for equal treatment for AFDC and non-AFDC clients and for a fee chargeable for non-AFDC services;
- Sections 205.740 and 405.465, the mandatory income withholding law;
- Section 405.400 et seq., the administrative process;
- Section 44.030, the state income tax refund intercept law;
- Section 205.745, which allows the imposition of liens on real and personal property;
- Section 7 of House Bill 323 (1986), the provision by which a court may require a parent to post a bond or security to insure future support payments;
- Section 406.031, which allows the establishment of paternity until a minor's 18th birthday;
- Section 8 of House Bill 323 (1986), which allows the release of information regarding an obligor's child support obligation to consumer credit agencies;
- Section 1 of House Bill 323 (1986), which provides for the inclusion of medical support in child support orders.

Modifications of and additions to Kentucky law to meet the Child Support Enforcement Amendments of 1984 would include:

- Amending Sections 205.740 and 405.465, the mandatory income withholding law, to include:
  - --provision for a non-custodial parent to request withholding at an earlier date;
  - --elimination of the need to return to court to initiate the withholding;
  - --provision to allow State to allocate withheld amounts among multiple orders;
  - --provision stating that payment of overdue support upon notice of withholding cannot be used as the sole basis for preventing the initiation of withholding;
  - --provision for termination of withholding under which payment of overdue support cannot be the sole basis for termination;
  - --provision for advance notice to be sent to the absent parent on the trigger date and that the notice include the following:
    - * amount owed;
    - * amount to be withheld;
    - o notice that withholding applies to subsequent employment;
    - o State action upon receipt of contest;
    - o notice that withholding will commence if there is no appeal within said time frame;
  - --provision for State to notify obligor of outcome of contest, the withholding time frame, if appropriate, and the contents of the notice to the employer within 45 days of the contest;
  - --simplification of the process by the State, such as allowing the employer to remit all withheld amounts in one check;
  - --procedure for advance notice to the employer which includes

the amount to be withheld and any information necessary for the employer to comply with the withholding order;
--withheld amount must be sent to the State within 10 days of the date the obligor is paid;
--procedure for employer to notify the State or local withholding agency of the termination of the obligor's employment and of the obligor's last known address as well as the name and address of the new employer, if known;
--procedure to implement the withholding no later than the first pay period that occurs after 14 days from the mailing date on the notice;
--procedure for notice to be sent to the employer immediately if the absent parent does not contest the withholding within the time frame available;
--designation by the State of a publicly accountable agency to administer the withholding;

* Provision for withholding to be a part of all support orders issued or modified after 10-1-85;
* Provision specifying mandatory use of the adminstrative process to establish and enforce support orders and to include:
  *procedure for temporary orders to be entered by the expedited process in complex cases;
  *procedure to provide the parties with copies of the order;
  *procedures to insure the qualifications of the presiding officers;
  *the functions performed by the presiding officers must include:
    - o taking testimony and establishing a record;
    - o evaluating evidence and making recommendations or decisions to establish and enforce orders;
    - o accepting voluntary acknowledgement of support liability and stipulated agreements setting the amount of support to be paid;
    - o entering default orders if the absent parent does not respond to notice or other State process within a reasonable period of time specified by the State;
* Amending Section 44.030, the state income tax intercept law, to allow its use in all I-VD cases;
- o Amending Section 205.745, concerning the imposition of liens, to indicate that this remedy applies to all IV-D cases;
- o Amending House Bill 323 (1986), to allow the court to require a parent to post a bond or security in all I-VD cases.

A state may request an exemption from any of these requirements. To request an exemption from the Department of Health and Human Services, the state need only submit copies of existing administrative regulations or court rules that show compliance with any of these provisions or data to support alternative practices.

* Asterisks indicate those provisions for which there is no state legislation, or inadequate legislation, but which have been implemented in total or in part either administratively or by state regulation. Therefore, legislative activity may be unnecessary.

LOUISIANA

The federal Child Support Amendments of 1984 mandate certain legislative modifications of the Louisiana Child Support program. The following provisions in Louisana law contain many of the features mandated by P.L.98-378:

- o Section 46:236.1, which provides equal treatment for AFDC and non-AFDC clients and for a fee chargeable for non-AFDC services;
- o Section 46:236.3, the mandatory income withholding law;
- o Section 46:236.5, the expedited judicial process;
- o Section 47:299.1 et seq., the state income tax refund intercept;
- o Article 3182 and Article 3321 of the Civil Code, which provide for the imposition of liens on real and personal property;
- o Section 46:236.3, the provision by which a court may require a parent to post a bond or security to insure future support payments;
- o Civil Code Section 209, which allows the establishment of paternity until a minor's 18th birthday;
- o Act 338 (1985), which allows the release of information concerning an obligor's child support obligation to consumer credit agencies;
- o Section 46:236.1, which provides for the inclusion of medical insurance in support orders.

Modifications of and additions to Louisiana law to meet the Child Support Enforcement Amendments of 1984 would include:

- * Amending Section 46:236.3, the mandatory income withholding law, to include a provision requiring the prompt distribution of withheld amounts to the obligee;
- o Amending Section 46:236.5 to specify mandatory use of the expedited judicial process to establish and enforce support orders;
- * Amending Section 47:299.1 et seq., the state income tax refund intercept law, to include:
  - *provision to notify non-AFDC custodial parents if AFDC arrearages are satisfied first;
  - *procedure for revenue agency to provide absent parent's address and Social Security Number to IV-D agency;
- * Amending Act 338 (1985) to provide for advance notice to the absent parent which includes procedures to contest the accuracy of the information.

A state may request an exemption from any of these requirements. To request an exemption from the Department of Health and Human Services, the state need only submit copies of existing administrative regulations or court rules that show compliance with any of these provisions or data to support alternative practices.

* Asterisks indicate those provisions for which there is no state legislation, or inadequate legislation, but which have been implemented in total or in part either administratively or by state regulation. Therefore, legislative activity may be unnecessary.

MAINE

The federal Child Support Amendments of 1984 mandate certain legislative modifications of the Maine Child Support program. The following provisions in Maine law contain many of the features mandated by P.L. 98-378:

- 19 Section 448-a, which provides for equal treatment of AFDC and non-AFDC clients and for a fee chargeable for non-AFDC services;
- 19 Section 504-A et seq. and 19 Section 777, the mandatory income withholding statutes;
- 19 Section 491 et seq., the administrative process law;
- 36 Section 5276, the state income tax refund intercept law;
- 19 Section 503, which provides for the imposition of liens on real and personal property;
- 19 Section 481, the provision by which a court may require a parent to post a bond or security to insure future payments;
- 19 Section 273, which allows the establishment of paternity until a minor's 18th birthday;
- 10 Section 1329, which allows the release of information regarding an obligor's child support obligation to consumer credit agencies;
- 10 Section 214(9), which provides for the inclusion of medical support in child support orders;
- 19 Section 491, which provides for the enforcement of spousal support.

Modifications of and additions to Maine law to meet the Child Support Enforcement Amendments of 1984 would include:

- Amending 19 Section 504-A et seq. and 19 Section 777, the mandatory income withholding statutes, to include a provision for prompt distribution of withheld amounts to the obligee;
- Amending 19 Section 491 et seq., the administrative process, to specify mandatory use of the process to establish and enforce support orders, and to include procedures to insure the qualifications of the presiding officers;
- Amending 32 Section 5276, the state income tax refund intercept law, to include a provision to notify non-AFDC custodial parents if AFDC arrearages are satisfied first.

A state may request an exemption from any of these requirements. To request an exemption from the Department of Health and Human Services, the state need only submit copies of existing administrative regulations or court rules that show compliance with any of these provisions or data to support alternative practices.

MARYLAND

The federal Child Support Amendments of 1984 mandate certain legislative modifications of the Maryland Child Support program. The following provisions in Maryland law contain many of the features contained in P.L. 98-378:

- o Family Law Section 10-109, which provides equal treatment for both AFDC and non-AFDC clients and for a fee chargeable for non-AFDC services;
- o Family Law Section 10-120 et seq., the mandatory income withholding law;
- o Family Law Section 10-113, the state income tax refund intercept law
- o House Bill 1518 (1985), which allows the establishment of paternity until a minor's 18th birthday;
- o House Bill 875 (1986), which provides for the inclusion of medical support in child support orders;
- o Family Law Section 10-120, which provides for the collection of spousal support.

Modifications of and additions to Maryland law to meet the Child Support Enforcement Amendments of 1984 would include:

- * Amending Family Law Section 10-120 et seq., the mandatory income withholding law, to include:
  - *provision for the non-custodial parent to request withholding at an earlier date;
  - *provision to allow the State to allocate withheld amounts among multiple orders;
  - *provision that the advance notice sent to the absent parent include a notice that the withholding applies to subsequent employment;
  - *simplification of the process by the State, such as allowing the employer to remit all withheld amounts in one check;
  - *withheld amount must be sent to the State within 10 days of the date the obligor is paid;
  - *employer fine for discharge, discipline, or refusal to hire an obligor because of the withholding order;
  - *procedure to implement the withholding no later than the first pay period that occurs after 14 days from the mailing date on the notice;
  - *designation by the State of a publicly accountable agency to administer the withholding;
- * Provision specifying mandatory use of an expedited process to establish and enforce support orders in intrastate and interstate cases and to include:
  - *provision stating that the presiding officer cannot be a judge;
  - *procedure for temporary orders to be entered by the expedited process in complex cases;
  - *provision for orders to have the same force and effect as judicial orders;
  - *provision to protect the due process rights of the parties;
  - *procedure to provide the parties with copies of the order;
  - *procedures to insure the qualifications of the presiding officers;

*the functions performed by the presiding officers must include:
- o taking testimony and establishing a record;
- o evaluating evidence and making recommendations or decisions to establish and enforce orders;
- o accepting voluntary acknowledgement of support liability and stipulated agreements setting the amount of support to be paid;
- o entering default orders if the absent parent does not respond to notice or other State process within a reasonable period of time specified by the State;

* Amending Family Law Section 10-113, the state income tax refund intercept law, to include:
  *provision to notify non-AFDC custodial parent if AFDC arrearages are satisfied first;
  *procedure for the revenue agency to provide the absent parent's address and Social Security number to the I-VD agency;
* Enacting a provision to:
  *allow the release of information concerning an obligor's child support obligation to consumer credit agencies;
  *make the procedure mandatory when the arrearage exceeds $1000;
  *include a procedure for advance notice to be sent to the absent parent and an opportunity to contest the accuracy of the information.

* Asterisks indicate those provisions for which there is no state legislation or inadequate state legislation, but which have been implemented in total or in part either administratively or by state regulation. Therefore, legislative activity may be unnecessary.

MASSACHUSETTS

The federal Child Support Amendments of 1984 mandate certain legislative modifications of the Massachusetts Child Support program. The following provisions in Massachusetts law contain many of the features contained in P.L. 98-378:

- o 18C Section 1 et seq., which provides for services for both AFDC and non-AFDC clients and for a fee chargeable for non-AFDC services;
- o 208 Section 36, 208 Section 36, 209 Section 32E, and 273A Section 10, the mandatory income withholding provisions;
- o 62d Section 1 et seq., the state income tax refund intercept;
- o 208 Section 36, and 209 Section 32E, which provide for the inclusion of medical support in the support order;
- o 209 Section 33, providing for the imposition of liens against real and personal property;
- o 208 Section 36, the provision by which a court may require a parent to post a bond or security to insure payment of child support obligations;
- o 93 Section 52A, which allows the release of information concerning an obligor's child support obligation to consumer credit agencies;
- o 208 Section 34a, which requires the state to enforce the collection of spousal support.

Modifications of and additions to Massachusetts law to meet the Child Support Enforcement Amendments of 1984 would include:

- o Amending 208 Section 36, 208 Section 36, 209 Section 32E, and 273A Section 10, the mandatory income withholding provisions, to include a provision to allow the State to allocate withheld amounts among multiple orders;
- o Amending Chapter 221B, the expedited judicial process, to provide that both parties shall be provided with copies of the order.

A state may request an exemption from any of these requirements. To request an exemption from the Department of Health and Human Services, the state need only submit copies of existing administrative regulations or court rules that show compliance with any of these provisions or data to support alternative practices.

MICHIGAN

The federal Child Support Amendments of 1984 mandate certain legislative modifications of the Michigan Child Support program. The following provisions in Michigan law contain many of the features mandated by P.L. 98-378:

- o Section 25.164 et seq., and Section 552.601 et seq., the mandatory income withholding statute;
- o Section 25.176 et seq., and Section 552.501, et seq., the Friend of the Court, which expedites child support orders;
- o Senate Bill 441 (1985), the state income tax refund intercept law;
- o Section 25.105 and Section 552.27, which provide for the imposition of liens against real and personal property;
- o Section 1 of Senate Bill 225 (1986), which allows the establishment of paternity until a minor's 18th birthday;
- o Section 25.164(2) and Section 552.602, the enforcement of spousal support.

Modifications of and additions to Michigan law to meet the Child Support Enforcement Amendments of 1984 would include:

- * Amending Senate Bill 441 (1985), the state income tax refund intercept law, to include:
  - *provision for notification of non-AFDC custodial parents if AFDC arrearages are satisfied first;
  - *procedure for prompt refund or distribution of the collections;
  - *procedure for revenue agency to provide absent parent's address and Social Security Number to IV-D agency.

* Asterisks indicate those provisions for which there is no state legislation, or inadequate legislation, but which have been implemented in total or in part either administratively or by state regulation. Therefore, legislative activity may be unnecessary.

MINNESOTA

The federal Child Support Amendments of 1984 mandate certain legislative modifications of the Minnesota Child Support program. The following provisions in Minnesota law contain many of the features mandated by P.L. 98-378:

- o Sections 257.58 and 518.551(f), which provide for equal treatment for both AFDC and non-AFDC clients and for a fee chargeable for non-AFDC services;
- o Section 518.611, the mandatory income withholding law;
- o Section 270A.01 et seq., the state income tax refund intercept;
- o Sections 548.091 and 518.57, which provide for the imposition of liens on real or personal property;
- o Section 518.24, the provision by which a court may require a parent to post a bond or security to insure future support payments;
- o Section 257.58, which allows for the establishment of paternity until a minor's 18th birthday;
- o Section 518.551, guidelines to be used in the determination of support awards;
- o Section 518.551, which provides for the inclusion of medical insurance in a child support order;
- o Section 518.61, which requires collection of spousal support obligations;
- o Section 2 of Senate File 901 (1985), which provides for services for certain foster care cases;
- o Section 1 of Senate File 901 (1985), which allows for a disregard of the first fifty dollars of support collected against AFDC payments.

Modifications of and additions to Minnesota law to meet the Child Support Enforcement Amendments of 1984 would include:

- * Amending Section 518.611, the mandatory income withholding law, to include:
  - *provision for termination of withholding under which payment of overdue support cannot be the sole basis for termination;
  - *simplification by the State of the withholding process, such as allowing the employer to remit all withheld amounts in one check;
  - *withheld amounts must be sent to the State within 10 days of the date the obligor is paid;
  - *provision for prompt distribution of withheld amounts to the obligee;
- * Provision specifying mandatory use of an expedited process to establish and enforce support orders in intrastate and interstate cases and to include:
  - *procedure to provide the parties with copies of the order;
  - *procedures to insure the qualifications of the presiding officers;
- * Amending Section 270A.01 et seq., the state income tax refund intercept law, to include:
  - *procedures for the prompt refund or distribution of collections;
  - *provision to notify non-AFDC custodial parents if AFDC arrearages are satisfied first;

* Enacting a provision to:
  *allow the release of information concerning an obligor's child support obligation to consumer credit agencies;
  *make procedure mandatory when arrearage is over $1000;
  *include a procedure for advance notice to the absent parent and for an opportunity to contest the accuracy of the information.

* Asterisks indicate those provisions for which there is no state legislation, or inadequate legislation, but which have been implemented in total or in part either administratively or by state regulation.

MISSISSIPPI

The federal Child Support Amendments of 1984 mandate certain legislative modifications of the Mississippi Child Support program. The following provisions in Mississippi law contain many of the features mandated by P.L. 98-378:

- o Section 43-19-31, which provides for equal treatment for both AFDC and non-AFDC clients and for a fee chargeable for non-AFDC services;
- o Sections 1 -10 of Senate Bill 2294 (1985), the mandatory income withholding law;
- o Section 11 of Senate Bill 2294 (1985), the expedited judicial process;
- o Senate Bill 2295 (1985), the state income tax refund intercept law;
- o Section 13 of Senate Bill 2294 (1985), which allows the imposition of liens on real and personal property;
- o Sections 93-5-23 and 93-11-65, the provisions by a court may require a parent to post a bond or security to insure future support payments;
- o Section 12 of Senate Bill 2294 (1985), which allows the release of information concerning an obligor's child support obligation to consumer credit agencies;
- o Sections 43-19-31, -33, which allow the establishment of paternity until a minor's 18th birthday;
- o Sections 43-19-31 and 93-5-23, which provide for the inclusion of medical insurance in a child support order;
- o Section 43-19-31(f), which provides for the collection of spousal support.

Modifications of and additions to Mississippi law to meet the Child Suport Enforcement Amendments of 1984 would include:

- * Amending Senate Bill 2294 (1985), the mandatory income wothholding law, to include:
  - *provision stating that payment of overdue support upon notice of withholding cannot be used as the sole basis for preventing the initiation of withholding;
  - *provision for termination of withholding under which payment of overdue support cannot be the sole basis for termination;
  - *designation by the State of a publicly accountable agency to administer the withholding;
  - *provision for the prompt distribution of withheld amounts to the obligee;
- * Amending Senate Bill 2294 (1985), the expedited judicial process, to include:
  - *procedure for temporary orders to be entered in complex cases;
  - *provision for orders to have the same force and effect as judicial orders;
  - *provision to protect the due process rights of the parties;
  - *procedure to provide the parties with copies of the order;
- * Amending Senate Bill 2295 (1985), the state income tax refund intercept law, to include:
  - *provision to notify non-AFDC custodial parents if AFDC arrearages are satisfied first;
  - *procedures for prompt refund or distribution of collections.

* Asterisks indicate those provisions for which there is no state legislation, or inadequate legislation, but which have been implemented in total or in part either administratively or by state regulation. Therefore, legislative activity may be unnecessary.

MISSOURI

The federal Child Support Amendments of 1984 mandate certain legislative modifications of the Missouri Child Support program. The following provisions in Missouri law contain many of the features mandated by P.L. 98-378:

- o Section 143.781 et seq., the state income tax refund intercept law;
- o Section 452.344, the provision by which a court may require a parent to post a bond or security to insure collection of child support obligations;
- o Section 452.350 et seq. and Section 454.505 et seq., the mandatory income withholding statutes;
- o Section 454, the administrative process;
- o Section 454.515, which provides for the imposition of liens on real property;
- o Section 454.516, which provides for the imposition of liens on personal property;
- o Section 454.512, which allows the release of information concerning an obligor's child support obigation to consumer credit agencies;
- o Section 452.350.1, which allows for collection of spousal support;
- o Section 454.425, which allows equal access to child support services for non-AFDC and AFDC clients and for a fee chargeable for non-AFDC services.

Modifications of and additions to Missouri law to meet the Child Support Enforcement Amendments of 1984 would include:

- o Amending Section 452.350, the mandatory income withholding law, to include:
  --provision to allow the State to allocate withheld amounts among multiple orders;
  --employer fine for discharge, discipline, or refusal to hire an obligor because of the withholding order;
  --recognition of this income withholding order as having top priority over any other legal process under State law;
  --designation by the State of a publicly accountable agency to administer the withholding;
  --provision for prompt distribution of withheld amounts to the obligee;
- * Amending Section 454 to make the use of the administrative process mandatory in all cases and to include a provision for the entering of temporary orders in complex cases;
- * Amending Section 143.781 et seq., the state income tax refund intercept law, to include:
  --provision for interstate cases;
  --provision for the notification of non-AFDC custodial parents if AFDC arrearages are satisfied first;
  --procedure for absent parent to receive advance notice of offset and the opportunity to contest;
- o Amending Section 454.516, to allow the imposition of liens on all personal property.

A state may request an exemption from any of these requirements. To request an exemption from the Department of Health and Human Services, the state need only submit copies of existing administrative regulations or court rules that show compliance with any of these provisions or data to support alternative practices.

* Asterisks indicate those provisions for which there is no state legislation, or inadequate legislation, but which have been implemented in total or in part either administratively or by state regulation. Therefore, legislative activity may be unnecessary.

MONTANA

The federal Child Support Amendments of 1984 mandate certain legislative modifications of the Montana Child Support program. The following provisions in Montana law contain many of the features contained in P.L. 98-378:

- o Section 40-5-203, which provides equal treatment for both AFDC and non-AFDC clients and for a fee chargeable for non-AFDC services;
- o House Bill 443 (1985), the mandatory income withholding law;
- o Section 40-5-201 et seq., the administrative process law;
- o Section 17-4-105, the state income tax refund intercept law;
- o Section 40-5-241 and Section 15-1-701, which provide for the imposition of liens on real and personal property;
- o House Bill 445 (1985), the provision by which a court may require a parent to post a bond or security to insure future support payments;
- o Section 40-6-108, which allows the establishment of paternity until a minor's 18th birthday;
- o House Bill 439 (1985), which allows the release of information concerning an obligor's child support obligation to consumer credit agencies;
- o Senate Bill 105, which provides for the inclusion of medical insurance in a child support order;
- o Section 40-5-201, which provides for the collection of spousal support.

Modifications of and additions to Montana law to meet the Child Support Enforcement Amendments of 1984 would include:

- o Amending House Bill 443 (1985), the mandatory income withholding law, to include:
  --provision for a non-custodial parent to request withholding at an earlier date;
  --withheld amount must be sent to the State within 10 days of the date the obligor is paid;
- * Amending Section 40-5-201 et seq., to make use of the administrative process mandatory for all types of cases and to include:
  *provision stating that the presiding officer cannot be a judge;
  *procedures to insure the qualifications of the presiding officers;
- * Amending Section 17-4-105, the state income tax refund intercept law, to include a provision to notify non-AFDC custodial parents if AFDC arrearages are satisfied first;
- o Amending Section 40-6-108 to allow the establishment of paternity until a minor's 18th birthday in all cases.

A state may request an exemption from any of these requirements. To request an exemption from the Department of Health and Human Services, the state need only submit copies of existing administrative regulations or court rules that show compliance with any of these provisions or data to support alternative practices.

* Asterisks indicate those provisions for which there is no state legislation, or inadequate legislation, but which have been implemented in total or in part either administratively or by state regulation. Therefore, legislative activity may be unnecessary.

NEBRASKA

The federal Child Support Amendments of 1984 mandate certain legislative modifications of the Nebraska Child Support program. The following provisions in Nebraska law contain many of the features mandated by P.L. 98-378:

- o Sections 21 through 63 of L.B. 7 (1985), the mandatory income withholding law;
- o Sections 1 through 6 of L.B. 7 (1985), the expedited judicial process;
- o Section 77-27,160 et seq., the state income tax refund intercept law;
- o Section 42-371, which provides for the imposition of liens on real and personal property;
- o Section 42-371(5), the provision by which a court may require a parent to post a bond or security to insure future support payments;
- o Section 43-1411, which allows the establishment of paternity until a minor's 18th birthday;
- o Section 18 of L.B. 7 (1985), which mandates the use of guidelines to be used in the determination of support awards;
- o Section 42-347(4), which mandates the enforcement of spousal support;
- o Section 42-369(2), which provides for the inclusion of medical insurance in support orders.

Modifications of and additions to Nebraska law to meet the Child Support Enforcement Amendments of 1984 would include:

- * Amending Sections 21 through 63 of L.B. 7 (1985), the mandatory income withholding law, to include:
  - *provision to allow State to allocate withheld amounts among multiple orders;
  - *provision for notice to be sent to the absent parent which indicates that this withholding applies to any subsequent employment and sets out the amount owed and the amount to be withheld;
  - *provision stating that payment of overdue support upon notice of withholding cannot be used as the sole basis for preventing the initiation of withholding;
  - *recognition of child support income withholding order as having priority over any other legal process under State law;
  - *provision for termination of withholding under which payment of overdue support cannot be the sole basis for termination;
  - *provision for notice to the employer to specify that this withholding has priority over any other legal process under State law;
  - *provision for prompt distribution of withheld amounts to the obligee;
- * Provision specifying mandatory use of the expedited process to establish and enforce support orders and to provide that the presiding officer shall not be a judge;
- * Enacting a provision to:
  - *allow the release of information concerning an obligor's child support obligation to consumer credit agencies;

*make procedure mandatory when arrearage is over $1000;
*include a procedure for advance notice to the absent parent and for an opportunity to contest the accuracy of the information.

* Asterisks indicate those provisions for which there is no state legislation or inadequate state legislation, but which have been implemented in total or in part either administratively or by state regulation. Therefore, legislative activity may be unnecessary.

NEVADA

The federal Child Support Amendments of 1984 mandate certain legislative modifications of the Nevada Child Support program. The following provisions in Nevada law contain many of the features mandated by P.L. 98-378:

- Section 126.291, which provides for equal treatment of AFDC and non-AFDC clients and for a fee chargeable for non-AFDC services;
- Senate Bill 159 (1985), the income withholding law;
- Section 125.240, which provides for the imposition of liens against real and personal property, and is the provision by which a court may require a parent to post a bond or security to insure future support payments;
- Section 21 of Senate Bill 159 (1985), which allows the release of information concerning an obligor's child support obligation to consumer credit agencies;
- Section 126.081, which allows for establishment of paternity until a minor's 18th birthday;
- Section 125.180, which provides for the collection of spousal support.

Modifications of and additions to Nevada law to meet the Child Support Enforcement Amendments of 1984 would include:

- Amending Senate Bill 159 (1985), the income withholding law, to include:
  - --the amount withheld includes current support and payment towards the liquidation of arrearages;
  - --elimination of the need to return to court to initiate the withholding of arrearages;
  - --provision to allow State to allocate withheld amounts among multiple orders;
  - --provision stating that payment of overdue support upon notice of withholding cannot be used as the sole basis for preventing the initiation of withholding;
  - --provision for termination of withholding under which payment of overdue support cannot be the sole basis for termination;
  - --provision for advance notice to be sent to the absent parent, including the following:
    - amount to be withheld;
    - notice that withholding applies to subsequent employment;
  - --notice to the employer which specifies that withholding is binding until further notice;
  - --withheld amount must be sent to the State within 10 days of the date the obligor is paid;
  - --simplification of the process by the state, such as allowing the employer to remit all withheld amounts in one check;
  - --procedure to implement the withholding no later than the first pay period that occurs after 14 days from the mailing date on the notice;
  - --provision for prompt distribution of withheld amounts to the obligee;
- Provision for withholding to be a part of all support orders issued or modified after 10-1-85;

- o Amending Section 130.115 to specify mandatory use of the expedited judicial process to establish and enforce support orders and to include:
  - --provision for orders to have the same force and effect as judicial orders;
  - --procedures to insure the qualifications of the presiding officers;
  - --procedure for temporary orders to be entered by the expedited process in complex cases;
  - --the functions performed by the presiding officers must include the entering default of orders if the absent parent does not respond to notice or other State process within a reasonable period of time specified by the State;
- * Amending Section 125.240, which allows for the dissemination of information concerning the obligor's debt to consumer credit bureaus, to include a provision which requires that the absent parent receive advance notice including information regarding the procedures to contest the impending action in compliance with the State's due process requirements.

A state may request an exemption from any of these requirements. To request an exemption from the Department of Health and Human Services, the state need only submit copies of existing administrative regulations or court rules that show compliance with any of these provisions or data to support alternative practices.

* Asterisks indicate those provisions for which there is no state legislation or inadequate state legislation, but which have been implemented in total or in part either administratively or by state regulation. Therefore, legislative activity may be unnecessary.

NEW HAMPSHIRE

The federal Child Support Amendments of 1984 mandate certain legislative modifications of the New Hampshire Child Support program. The following provisions in New Hampshire law contain many of the features mandated by P.L. 98-378:

- o Section 161-B:3, which allows equal access to non-AFDC and AFDC clients to child support enforcement services and allows for a fee chargeable for non-AFDC services;
- o Section 458-B:1 et seq., the mandatory income withholding law;
- o Section 161-C:1 et seq., the administrative process;
- o Section 161-C:10, which allows the imposition of liens on real and personal property;
- o Section 161-C:5-a, the provision by which a court may require a parent to post a bond or security to insure future support payments;
- o Section 161-C:26-a, which allows the release of information concerning an obligor's child support obligation to consumer credit agencies;
- o Section 168-A:12, which allows the establishment of paternity a minor's 18th birthday.

Modifications of and additions to New Hampshire law to meet the Child Support Enforcement Amendments of 1984 would include:

- * Amending Section 458-B:1 et seq., the mandatory income withholding law to include:
  - *provision to allow State to allocate withheld amounts among multiple orders;
  - *provision stating that payment of overdue support upon notice of withholding cannot be used as the sole basis for preventing the initiation of withholding;
  - *provision for termination of withholding under which payment of overdue support is not the sole basis for termination;
  - *provision for advance notice to be sent to the absent parent on the trigger date and that the notice specify the amount owed;
  - *simplification of the process by the State, such as allowing the employer to remit all withheld amounts in one check;
  - *provision for advance notice to the employer which states that the amount withheld cannot exceed the limits of the Consumer Credit Protection Act or any lower State limits;
  - *provision for prompt distribution of withheld amounts to the obligee;
- * Amending Section 161-C:1 et seq., to specify the mandatory use of the expedited administrative process to establish and enforce support orders in intrastate and interstate cases and to include:
  - *procedure for temporary orders to be entered by the expedited process in complex cases;
  - *written procedures for presiding officers' qualifications;
  - *presiding officers' functions must include:
    - o taking testimony and establishing a record;
    - o accepting voluntary acknowledgement of support liability and stipulated agreements setting the amount of support to be paid;

- entering default orders if the absent parent does not respond to notice or other State processes within a reasonable period of time specified by the State.

* Asterisks indicate those provisions for which there is no state legislation, or inadequate legislation, but which have been implemented in total or in part either administratively or by state regulation. Therefore, legislative activity may be unnecessary.

NEW JERSEY

The federal Child Support Amendments of 1984 mandate certain legislative modifications of the New Jersey Child Support program. The following provisions in New Jersey law contain many of the features mandated by P.L. 98-378:

- o Section 2A:17-56.7, the mandatory income withholding law;
- o Section 54A:9-8.1, the income tax refund intercept law;
- o Section 2A:34-26, which provides for the imposition of liens against real and personal property;
- o Section 9:17-53-c, the provision by which a court may require a parent to post a bond or security to insure future support payments;
- o Section 9:17-38, which allows for the establishment of paternity five years after minor's 18th birthday.
- o Section 9:17-53.7, guidelines to be used in the determination of support awards;
- o Section 2A:17-56.8, which provides for the collection of spousal support.

Modifications of and additions to New Jersey law to meet the Child Support Enforcement Amendments of 1984 would include:

- * Amending Section 2A:17-56.7, the mandatory income withholding law, to include:
  - *provision for a non-custodial parent to request withholding at an earlier date;
  - *elimination of the need to return to court to initiate the withholding;
  - *provision to allow State to allocate withheld amounts among multiple orders;
  - *provision stating that payment of overdue support upon notice of withholding cannot be used as the sole basis for preventing the initiation of withholding;
  - *provision for termination of withholding under which payment of overdue support cannot be the sole basis for termination;
  - *provision for advance notice to be sent to the absent parent, including a statement of the amount owed by the obligor;
  - *provision for State to notify obligor of outcome of contest, the withholding time frame, if appropriate, and the contents of the notice to the employer within 45 days of the contest;
  - *procedure for employer to notify the State or local withholding agency of the termination of the obligor's employment and of the obligor's last known address as well as the name and address of the new employer, if known;
  - *provision for prompt distribution of withheld amounts to the obligee;
- * Provision specifying mandatory use of an expedited process to establish and enforce support orders in intrastate and interstate cases and to include:
  - *provision stating that the presiding officer cannot be a judge;
  - *procedure for temporary orders to be entered by the expedited process in complex cases;
  - *provision for orders to have the same force and effect as judicial orders;

*provision to protect the due process rights of the parties;
*procedure to provide the parties with copies of the order;
*procedures to insure the qualifications of the presiding officers;
*the functions performed by the presiding officers must include:
- o taking testimony and establishing a record;
- o evaluating evidence and making recommendations or decisions to establish and enforce orders;
- o accepting voluntary acknowledgement of support liability and stipulated agreements setting the amount of support to be paid;
- o entering default orders if the absent parent does not respond to notice or other State process within a reasonable period of time specified by the State;

* Amending Section 54A:9-8.1, the state income tax refund intercept law, to include:
*provision to notify non-AFDC custodial parents if AFDC arrearages are satisfied first;
*procedures for prompt refund or distribution of collections;
* Amending Section 2A:36-26, concerning the imposition of liens, to include a provision indicating that the process is available to all IV-D cases, including paternity cases;
* Amending Section 9:17-53-c, concerning the posting of bonds, to include;
*provision requiring that the absent parent receive advance notice including the procedures to contest the impending action in compliance with the State's due process requirements;
*provision indicating that the process applies to all IV-D cases, including paternity cases.

* Asterisks indicate those provisions for which there is no state legislation, or inadequate legislation, but which have been implemented in total or in part either administratively or by state regulation. Therefore, legislative activity may be unnecessary.

NEW MEXICO

The federal Child Support Amendments of 1984 mandate certain legislative modifications of the New Mexico Child Support program. The following provisions in New Mexico law contain many of the feaures mandated by P.L.98-378:

- Section 27-2-27, which provides equal treatment for AFDC and non-AFDC clients and for a fee chargeable for non-AFDC services;
- Sections 2 through 12 of House Bill 563 (1985), the mandatory income withholding law;
- Section 13 of House Bill 563 (1985), the expedited judicial process;
- House Bill 564 (1985), the state income tax refund intercept law;
- Section 40-4-15, which allows the imposition of liens on real and personal property;
- Section 16 of House Bill 563 (1985), the provision by which a court may require a parent to post a bond or security to insure future support payments;
- Section 17 of House Bill 563 (1985), which allows the release of information concerning an obligor's child support obligation to consumer credit agencies;
- Section 37-1-29, which allows the establishment of paternity until a minor's 18th birthday.

Modifications of and additions to New Mexico law to meet the Child Support Enforcement Amendments of 1984 would include:

- Amending Sections 2 through 12 of House Bill 563 (1985), the mandatory income withholding law, to include:
  --provision for a non-custodial parent to request withholding at an earlier date;
  --provision stating that payment of overdue support upon notice of withholding cannot be used as the sole basis for preventing the initiation of withholding;
  --provision for prompt distribution of withheld amounts to the obligee;
- Amending Section 13 of House Bill 563 (1985) to include:
  --procedure for temporary orders to be entered by the expedited process in complex cases;
  --provision for orders to have the same force and effect as judicial orders;
  --the functions of the presiding officer must include the entering default orders if the absent parent does not respond to notice or other State process within a reasonable period of time specified by the State;
- Amending Section House Bill 564 (1985), the state income tax refund intercept law, to include:
  --provision to notify non-AFDC custodial parents if AFDC arrearages are satisfied first;
  --procedure for revenue agency to provide absent parent's address and Social Security Number to IV-D agency.

A state may request an exemption from any of these requirements. To request an exemption from the Department of Health and Human Services, the state need only submit copies of existing administrative regulations or court

rules that show compliance with any of these provisions or data to support alternative practices.

NEW YORK

The federal Child Support Amendments of 1984 mandate certain legislative modifications of the New York Child Support program. The following provisions in New York law contain many of the features mandated in P.L. 98-378:

- o Civil Practice Law Sections 5241 and 5242, the mandatory income withholding law;
- o Sections 10 -19 of Assembly Bill 6934 (1985), the expedited judicial process;
- o Tax Law Section 171-C and Social Services Law Section 111(b), the state income tax refund intercept law;
- o Family Court Act Sections 454, 457, and 460, which allow the imposition of liens on real and personal property;
- o Family Court Act Section 471 et seq., the provision by which a court may require a parent to post a bond or security to insure future support payments;
- o Social Services Law Section 111(h), which allows the release of information concerning an obligor's child support obligation to consumer credit agencies;
- o Domestic Relations Law Section 517, which allows the establishment of paternity until a minor's 18th birthday;
- o Domestic Relations Law Section 236-13(8), which provides for the inclusion of medical insurance in child support orders;
- o Section 2 of Assembly Bill 6934 (1985), which provides for the collection of spousal support;
- o Sections 24 and 36 of Assembly Bill 6934 (1985), which provide services for certain foster care cases.

Modifications of and additions to New York law to meet the Child Support Enforcement Amendments of 1984 would include:

- * Amending Sections 10 -19 of Assembly Bill 6934 (1985), the mandatory income withholding law, to include:
  - *provision for the non-custodial parent to rquest withholding at an earlier date;
  - *provision to allow State to allocate withheld amounts among multiple orders;
  - *provision stating that payment of overdue support upon notice of withholding cannot be used as the sole basis for preventing the initiation of withholding;
  - *provision for termination of withholding under which payment of overdue support cannot be the sole basis for termination;
  - *simplification of the process by the State, such as allowing the employer to remit all withheld amounts in one check;
  - *provision for prompt distribution of withheld amounts to the obligee;
- * Amending Tax Law Section 171-C and Social Services Law Section 111(b), the state income tax refund intercept law, to include:
  - *provision to notify non-AFDC custodial parents if AFDC arrearages are satisfied first;
  - *procedures for prompt refund or distribution of collections;
  - *procedure for revenue agency to provide absent parent's address and Social Security Number to IV-D agency;

* Amending Family Court Act Section 471 et seq., to include a provision indicating that the bonding process is available in all IV-D cases.

* Asterisks indicate those provisions for which there is no state legislation, or inadequate legislation, but which have been implemented in total or in part either administratively or by state regulation. Therefore, legislative activity may be unnecessary.

NORTH CAROLINA

The federal Child Support Amendments of 1984 mandate certain legislative modifications of the North Carolina Child Support program. The following provisions in North Carolina law contain many of the features mandated by P.L. 98-378:

- o Section 110-130.1, which provides for equal treatment of AFDC and non-AFDC clients and for a fee chargeable for non-AFDC services;
- o Section 110-136.4 et seq., the mandatory income withholding law;
- o Section 50-30 et seq., the expedited judicial process;
- o Section 105A-1 et seq., the state income tax refund intercept law;
- o Section 50-13.4(f)(8), which provides for the imposition of liens against real and personal property;
- o Section 50.13.4(f), the provision by which a court may require a parent to post a bond or security to insure future support payments;
- o Section 50-16.7, which provides for the collection of spousal support.

Modifications of and additions to North Carolina law to meet the Child Support Enforcement Amendments of 1984 would include:

- * Amending Section 105A-1 et seq., the state income tax refund intercept law, to include:
  - *provision to notify non-AFDC custodial parents if AFDC arrearages are satisfied first;
  - *procedures for prompt refund or distribution of collections;
  - *procedure for revenue agency to provide absent parent's address and Social Security Number to IV-D agency;
- * Enacting a provision to:
  - *allow the release of information concerning an obligor's child support obligation to consumer credit agencies;
  - *make procedure mandatory when arrearage is over $1000;
  - *include a procedure for advance notice to the absent parent and for an opportunity to contest the accuracy of the information.

* Asterisks indicate those provisions for which there is no state legislation or inadequate state legislation, but which have been implemented in total or in part either administratively or by state regulation. Therefore, legislative activity may be unnecessary.

NORTH DAKOTA

The federal Child Support Amendments of 1984 mandate certain legislative modifications of the North Dakota Child Support program. The following provisions in North Dakota law contain many of the features mandated by P.L. 98-378:

- Section 14-09-09.1, the mandatory income withholding statute;
- Section 57-38.3-04 et seq., the state income tax refund intercept statute;
- Section 28-20-13, which allows the imposition of liens on real property;
- Sections 14-05-25, 14-07-19, and 14-08-05, the provisions by which a court may require a parent to post a bond or security to insure the collection of child support obligations;
- Section 14-08-09, which mandates equal access to both AFDC and non-AFDC clients to child support enforcement services;
- Section 14-17-06, which allows establishment of paternity until a minor's 18th birthday.

Modifications of and additions to North Dakota law to meet the Child Support Enforcement Amendments of 1984 would include:

- Amending Section 14-09-09.1, the mandatory income withholding law, to include:
  - --provision to allow State to allocate withheld amounts among multiple orders;
  - --provision limiting obligor's defenses to mistakes of fact in contested withholding cases;
  - --provision stating that payment of overdue support upon notice of withholding cannot be used as the sole basis for preventing the initiation of withholding;
  - --provision for termination of withholding under which payment of overdue support cannot be the sole basis for termination;
  - --provision for advance notice to the absent parent which specifies the amount owed;
  - --simplification of the process by the State, such as allowing the employer to remit all withheld amounts in one check;
  - --procedure for notice to be sent to the employer immediately if the absent parent does not contest the withholding within the time frame available;
  - --designation by the State of a publicly accountable agency to administer the withholding system;
  - --provision for prompt distribution of withheld amounts to the obligee;
- Provision specifying mandatory use of the expedited process to establish and enforce support orders in all types of IV-D cases, both intrastate and interstate, and to include:
  - --provision stating that the presiding officer cannot be a judge;
  - --provision for orders to have the same force and effect as judicial orders;
  - --procedure for temporary orders to be entered by the expedited process in complex cases;

--provision to protect the due process rights of the parties;
--procedure to provide the parties with copies of the order;
--procedures to insure the qualifications of the presiding officers;
--the functions performed by the presiding officers must include:
  - o taking testimony and establishing a record;
  - o evaluating evidence and making recommendations or decisions to establish and enforce orders;
  - o accepting voluntary acknowledgement of support liability and stipulated agreements setting the amount of support to be paid;
  - o entering default orders if the absent parent does not respond to notice or other State process within a reasonable period of time specified by the State;

- o Amending Section 57-38.3-04 et seq., the state income tax refund intercept law, to include:
  --procedure applies to all IV-D cases, including non-AFDC;
  --provision to notify non-AFDC custodial parents if AFDC arrearages are satisfied first;
  --procedure for revenue agency to provide absent parent's address and Social Security Number to IV-D agency;
- * Amending Section 28-20-13, concerning the imposition of liens, to include a provision for liens on personal property;
- * Amending Sections 14-05-25, 14-17-19, and 14-18-05 to include a provision requiring that the absent parent receive advance notice including the procedures to contest the impending action in compliance with the State's due process requirements;
- o Enacting a provision to:
  --allow the release of information concerning an obligor's child support obligation to consumer credit agencies;
  --make procedure mandatory when arrearage is over $1000;
  --include a procedure for advance notice to the absent parent and for an opportunity to contest the accuracy of the information.

A state may request an exemption from any of these requirements. To request an exemption from the Department of Health and Human Services, the state need only submit copies of existing administrative regulations or court rules that show compliance with any of these provisions or data to support alternative practices.

* Asterisks indicate those provisions for which there is no state legislation, or inadequate legislation, but which have been implemented in total or in part either administratively or by state regulation. Therefore, legislative activity may be unnecessary.

OHIO

The federal Child Support Amendments of 1984 mandate certain legislative modifications of the Ohio Child Support program. The following provisions in Ohio law contain many of the features mandated by P.L. 98-378:

- Section 2301.35, Section 2301.37, and Section 3113.21, the mandatory income withholding statutes;
- Section 3113.21, the expedited judicial process;
- Senate Bill 80 (1985), the state income tax refund intercept law;
- Section 3111.13(C) and Section 3113.21(D)(6), the provisions by which a court may require a parent to post a bond or security to insure the payment of future child support obligations;
- Sections 2329 et seq., and 2301.38(A), which allow the imposition of liens on real and personal property;
- Section 3111.05, provision for the establishment of paternity five years past minor's 18th birthday;
- Section 2301.353, which allows the release of information concerning an obligor's child support obligation to consumer credit agencies;
- Section 2919.21, which provides for the collection of spousal support.

Modifications of and additions to Ohio law to meet the Child Support Enforcement Amendments of 1984 would include:

- Amending Section 2301.35, Section 2301.37, and Section 3113.21, the mandatory income withholding laws, to allow the State to allocate withheld amounts among multiple orders.

A state may request an exemption from any of these requirements. To request an exemption from the Department of Health and Human Services, the state need only submit copies of existing administrative regulations or court rules that show compliance with any of these provisions or data to support alternative practices.

OKLAHOMA

The federal Child Support Amendments of 1984 mandate certain legislative modifications of the Oklahoma Child Support program. The following provisions in Oklahoma law contain many of the features mandated by P.L. 98-378:

- o 56 Sections 240.1 and 240.5, the provisions which provide for equal treatment of AFDC and non-AFDC clients and for a fee chargeable for non-AFDC services;
- o 12 Section 1170 et seq. and 56 Section 240 et seq., the mandatory income withholding statutes;
- o 56 Section 238.1 et seq., the administrative process;
- o 68 Section 205.2 et seq., the state income tax refund intercept law;
- o 12 Section 1289.1, which allows the imposition of liens on real and personal property;
- o 10 Section 83, which allows the establishment of paternity until a minor's 18th birthday;
- o 12 Section 1277.5, the provision by which a court may require a parent to post a bond or security to insure future support payments;
- o 56 Section 240.7, which allows the release of information concerning an obligor's child support obligation to consumer credit agencies;
- o 56 Section 238.5, guidelines to be used in the determination of support awards;
- o 56 Section 237(D), which provides for the inclusion of medical support in child support orders;
- o 56 Section 240.6, which provides for the collection of spousal support.

Modifications of and additions to Oklahoma law to meet the Child Support Enforcement Amendments of 1984 would include:

- * Amending 56 Section 238.1 et seq., the administrative process law, to include:
  - *procedures to insure the qualifications of the presiding officers;
  - *accepting voluntary acknowledgements of support liability and stipulated agreements setting the amount of support to be paid;
- * Amending 68 Section 205.2 et seq., the state income tax refund intercept law, to include:
  - *provision to notify non-AFDC custodial parents if AFDC arrearages are satisfied first;
  - *procedures for prompt refund or distribution of collections;
- * Amending 12 Section 1277.5 to include a provision which requires that the absent parent receive advance notice and information regarding the procedures to contest the impending action in compliance with the State's due process requirements.

* Asterisks indicate those provisions for which there is no state legislation, or inadequate legislation, but which have been implemented in total or in part either administratively or by state regulation. Therefore, legislative activity may be unnecessary.

OREGON

The federal Child Support Amendments of 1984 mandate certain legislative modifications of the Oregon Child Support program. The following provisions in Oregon law contain many of the features mandated by P.L. 98-378:

- o Sections 23.789 and .815, which provide equal treatment for both AFDC and non-AFDC clients and for a fee chargeable for non-AFDC services;
- o Sections 23.175, 23.185, and 23.777, which comprise the mandatory income withholding law;
- o Sections 293.250 and 316.192, the income tax refund intercept law;
- o Section 416.400 et seq., the administrative process;
- o Section 416.180, which allows the imposition of liens on real property;
- o Sections 47, 48, and 49 of Senate Bill 170 (1985), which allow the imposition of liens on personal property;
- o Section 23.865, the provision by which a court may require a parent to post a bond or security to insure future support payments;
- o Section 46 of Senate Bill 170 (1985), which allows the release of information concerning an obligor's child support obligation to consumer credit agencies;
- o Section 109.100, which allows for the establishment of paternity until a minor's 18th birthday;
- o Section 416.415(2)(d), which provides for the inclusion of medical insurance in a child support order;
- o Section 416.010, the collection of spousal support.

Modifications of and additions to Oregon law to meet the Child Support Enforcement Amendments of 1984 would include:

- * Amending Section 416.400 to specify mandatory use of the administrative process to establish and enforce support orders in intrastate and interstate cases and to include:
  - *procedure for temporary orders to be entered by the expedited process in complex cases;
  - *procedures to insure the qualifications of the presiding officers;
- * Amending Section 23.865 to include a provision which requires that the absent parent receive advance notice including the procedures to contest the impending action in compliance with the State's due process requirements;
- * Amending Section 46 of Senate Bill 170 to make the reporting procedure mandatory when arrearage is over $1000.00.

* Asterisks indicate those provisions for which there is no state legislation or inadequate state legislation, but which have been implemented in total or in part either administratively or by state regulation. Therefore, legislative activity may be unnecessary.

PENNSYLVANIA

The federal Child Support Amendments of 1984 mandate certain legislative modifications of the Pennsylvania Child Support program. The following provisions in Pennsylvania law contain many of the features mandated by P.L. 98-378:

- 23 Section 4348, the mandatory income withholding law;
- 23 Section 4307, the state income tax refund intercept law;
- 23 Section 4341, which establishes a judicial expedited process;
- 23 Section 401 and 48 Section 132, which provide for the imposition of liens on real and personal property;
- 23 Section 4347 and 23 Section 4348, the provisions by which a court may require a parent to post a bond or security to insure future support payments;
- 23 Section 4343, which allows the establishment of paternity until a minor's 18th birthday;
- 23 Section 4303, which allows the release of information concerning the obligor's child support obligation to consumer credit agencies;
- 23 Section 4324, which provides for the inclusion of health insurance in support orders;
- 42 Section 6709, which provides for the collection of spousal support.

Modifications of and additions to Pennsylvania law to meet the Child Support Enforcement Amendments of 1984 would include:

- Amending 23 Section 4348, the mandatory income withholding law, to include:
  - --provision stating that payment of overdue support upon notice of withholding cannot be used as the sole basis for preventing the initiation of withholding;
  - --provision to allow State to allocate withheld amounts among multiple orders;
  - --provision for State to notify obligor of outcome of contest, the withholding time frame, if appropriate, and the contents of the notice to the employer within 45 days of the contest;
  - --provision for advance notice to absent parent which specifies the amount owed;
- Amending 23 Section 4341 to provide for the mandatory use of the expedited judicial process to establish and enfoce support orders, including interstate cases, and to inlcude:
  - --provision stating that the presiding officer cannot be a judge;
  - --procedure for temporary orders to be entered by the expedited process in complex cases;
  - --procedures to insure the qualifications of the presiding officers;
  - --the functions performed by the presiding officers must include:
    - accepting voluntary acknowledgement of support liability and stipulated agreements setting the amount of support to be paid;
    - entering default orders if the absent parent does not respond to notice or other State process within a reasonable period of time specified by the State;

- o Amending 23 Section 4307, the state income tax refund intercept law, to include:
  - --that the procedure applies to all IV-D cases;
  - --provision to notify non-AFDC custodial parents if AFDC arrearages are satisfied first;
  - --procedures for contesting must comply with the State due process requirements;
  - --procedures for prompt refund or distribution of collections;
  - --procedure for revenue agency to provide absent parent's address and Social Security Number to IV-D agency.

A state may request an exemption from any of these requirements. To request an exemption from the Department of Health and Human Services, the state need only submit copies of existing administrative regulations or court rules that show compliance with any of these provisions or data to support alternative practices.

RHODE ISLAND

The federal Child Support Amendments of 1984 mandate certain legislative modifications of the Rhode Island Child Support program. The following provisions in Rhode Island law contain many of the features mandated by P.L. 98-378:

- Sections 15-5-24, the mandatory income withholding law;
- Section 44-30.1-1 et seq., the state income tax refund intercept law;
- Section 15-5-28, which provides for the imposition of liens on real and personal property;
- Section 15-5-16.6, which permits a court to require a parent to post a bond or security to insure future support payments;
- Section 15-11-17.1, which allows the release of information concerning an obligor's child support obligation to consumer credit agencies;
- Section 15-8-6, which allows the establishment of paternity until a minor's 18th birthday;
- Section 15-5-16.2, factors to be used in the determination of support awards;
- Section 8-10-3, which provides for the collection of spousal support.

Modifications of and additions to Rhode Island law to meet the Child Support Enforcement Amendments of 1984 would include:

- Amending Section 15-5-24, the mandatory income withholding law, to include:
  --provision specifying that withholding applies to all interstate cases;
  --provision for a non-custodial parent to request withholding at an earlier date;
  --elimination of the need to return to court to initiate the withholding;
  --the amount withheld includes current support and payment towards the liquidation of arrearages;
  --provision limiting obligor's defenses to mistakes of fact in contested withholding cases;
  --provision to allow State to allocate withheld amounts among multiple orders;
  --provision stating that payment of overdue support upon notice of withholding cannot be used as the sole basis for preventing the initiation of withholding;
  --provision for termination of withholding under which payment of overdue support cannot be the sole basis for termination;
  --provision for advance notice to be sent to the absent parent on withholding trigger date;
  --procedure for advance notice to employer which specifies that the total withheld cannot exceed the limits of the Consumer Credit Protection Act or lower State limits;
  --simplification of the process by the State, such as allowing the employer to remit all withheld amounts in one check;
  --withheld amount must be sent to the State within 10 days of the date the obligor is paid;

--designation by the State of a publicly accountable agency to administer the withholding system;
--provision for withholding income in interstate cases in which the out-of-state order has been entered by an administrative expedited process;
--provision for prompt distribution of withheld amounts to the obligee;

- Provision specifying mandatory use of the expedited process to establish and enforce support orders in intrastate and interstate cases.

A state may request an exemption from any of these requirements. To request an exemption from the Department of Health and Human Services, the state need only submit copies of existing administrative regulations or court rules that show compliance with any of these provisions or data to support alternative practices.

SOUTH CAROLINA

The federal Child Support Amendments of 1984 mandate certain legislative modifications of the South Carolina Child Support program. The following provisions in South Carolina law contain many of the features mandated by P.L. 98-378:

- o Section 43-5-220, which provides for the equal treatment of both AFDC and non-AFDC clients and for a fee chargeable for non-AFDC services;
- o Section 20-7-1315, the mandatory income withholding law;
- o Section 43-5-220(i), the state income tax refund intercept law;
- o Sections 20-7-1315 and 20-7-1316, which allows for the imposition of liens on real and personal property;
- o Section 20-7-420, which allows a court to require a parent to post a bond or security to insure future support payments;
- o Section 20-7-1315, which provides for the collection of spousal support;
- o Section 43-5-65, which provides for services in certain foster care cases.

Modifications of and additions to South Carolina law to meet the Child Support Enforcement Amendments of 1984 would include:

- * Amending Section 20-7-1315, the mandatory income withholding law, to include a provision for the prompt distribution of withheld amounts to the obligee;
- o Provision specifying mandatory use of an expedited process to establish and enforce support orders in intrastate and interstate cases and to include:
  - --provision stating that the presiding officer cannot be a judge;
  - --procedure for temporary orders to be entered by the expedited process in complex cases;
  - --provision for orders to have the same force and effect as judicial orders;
  - --provision to protect the due process rights of the parties;
  - --procedure to provide the parties with copies of the order;
  - --procedures to insure the qualifications of the presiding officers;
  - --the functions performed by the presiding officers must include:
    - o taking testimony and establishing a record;
    - o evaluating evidence and making recommendations or decisions to establish and enforce orders;
    - o accepting voluntary acknowledgement of support liability and stipulated agreements setting the amount of support to be paid;
    - o entering default orders if the absent parent does not respond to notice or other State process within a reasonable period of time specified by the State;
- * Amending Section 43-5-220(i), the state income tax refund intercept law, to include:
  - *provision to notify non-AFDC custodial parents if AFDC arrearages are satisfied first;
  - *procedures for prompt refund or distribution of collections;
- * Enacting a provision to allow the release of information concerning

an obligor's child support obligation to consumer credit agencies, and to include:

*procedure be mandatory upon request of consumer credit agency for amounts over $1000;

*procedure for advance notice to the absent parent and an opportunity to contest the accuracy of the information.

A state may request an exemption from any of these requirements. To request an exemption from the Department of Health and Human Services, the state need only submit copies of existing administrative regulations or court rules that show compliance with any of these provisions or data to support alternative practices.

* Asterisks indicate those provisions for which there is no state legislation, or inadequate legislation, but which have been implemented in total or in part either administratively or by state regulation. Therefore, legislative activity may be unnecessary.

SOUTH DAKOTA

The federal Child Support Amendments of 1984 mandate certain legislative modifications of the South Dakota Child Support program. The following provisions in South Dakota law contain many of the features mandated by P.L. 98-378:

- o Section 28-7-17.2, which provides for the equal treatment of both AFDC and non-AFDC clients and for a fee chargeable for non-AFDC services;
- o Section 22 et seq of HB 1378 (1986), the mandatory income withholding provisions;
- o Section 25-7A-1 et seq., the administrative process;
- o Section 28-20-1, which provides for the imposition of liens on real and personal property;
- o Section 55 of HB 1378 (1986), which allows a court to require a parent to post a bond or security to insure future support payments;
- o Section 25-8-9, which allows establishment of paternity until a minor's 18th birthday;
- o Section 56 of HB 1378 (1986), which allows the release of information regarding an obligor's child support obligation to consumer credit agencies;
- o Section 25-7-7, guidelines to be used in the determination of support awards;
- o Section 25-7A-5(3)(b), which provides for the inclusion of medical support in child support orders;
- o Section 28-7-17.1, which provides for the collection of spousal support.

Modifications of and additions to South Dakota law to meet the Child Support Enforcement Amendments of 1984 would include:

- * Amending Section 22 et seq. of HB 1378 (1986), the mandatory income withholding law, to include:
  - *provision stating that payment of overdue support upon notice of withholding cannot be used as the sole basis for preventing the initiation of withholding;
  - *provision for the State to notify the obligor of outcome of any contest, the withholding time frame, if appropriate, and the contents of the notice to the employer within 45 days of the contest.

* Asterisks indicate those provisions for which there is no state legislation, or inadequate legislation, but which have been implemented in total or in part either administratively or by state regulation. Therefore, legislative activity may be unnecessary.

TENNESSEE

The federal Child Support Amendments of 1984 mandate certain legislative modifications of the Tennessee Child Support program. The following provisions in Tennessee law contain many of the features mandated by P.L. 98-378:

- Section 14-8-124(b), which provides for equal treatment for AFDC and non-AFDC clients and for a fee chargeable for non-AFDC services;
- Section 36-5-501 et seq., the mandatory income withholding law;
- Section 36-5-401 et seq., the expedited judicial process;
- Section 36-5-103(a), which allows the imposition of liens against real and personal property;
- Sections 36-5-101(b) and 36-5-103(a), the provisions by which a court may require a parent to post a bond or security to insure future support payments;
- Section 36-5-106, which allows the release of information concerning an obligor's child support obligation to consumer credit agencies;
- Section 36-2-103, which allows the establishment of paternity until a minor's 18th birthday;
- Section 50-2-105, which provides for the collection of spousal support.

TEXAS

The federal Child Support Amendments of 1984 mandate certain legislative modifications of the Texas Child Support program. The following provisions in Texas law contain many of the features mandated by P.L. 98-378:

- Section 46.004 of the Human Resources Law, which provides for equal treatment for AFDC and non-AFDC clients and for a fee chargeable for non-AFDC services;
- Section 14.43 of the Family Code, the mandatory income withholding law;
- Section 14.80 et seq. of the Family Code, the expedited judicial process;
- Chapter 52 of the Texas Property Code and the Texas Rules of Civil Procedure, which allow the imposition of liens on real and personal property;
- Section 14.42 of the Family Code, the provision by which a court may require a parent to post a bond or security to insure future support payments;
- Section 13.01 of the Family Code, which allows the establishment of paternity until a minor's 18th birthday;
- Section 14.05 of the Family Code, which provides for the collection of spousal support.

Modifications of and additions to Texas law to meet the Child Support Enforcement Amendments of 1984 would include:

- Amending Section 14.42 of the Family Code to include a provision requiring that the absent parent receive advance notice including the procedures to contest the impending action in compliance with the State's due process requirements;
- Enacting a provision to:
  --allow the release of information concerning an obligor's child support obligation to consumer credit agencies;
  --make procedure mandatory when arrearage is over $1000;
  --include a procedure for advance notice to the absent parent and for an opportunity to contest the accuracy of the information.

A state may request an exemption from any of these requirements. To request an exemption from the Department of Health and Human Services, the state need only submit copies of existing administrative regulations or court rules that show compliance with any of these provisions or data to support alternative practices.

UTAH

The federal Child Support Amendments of 1984 mandate certain legislative modifications of the Utah Child Support program. The following provisions in Utah law contain many of the features mandated by P.L. 98-378:

- o Section 78-45b-3, which provides for equal treatment of AFDC and non-AFDC clients and for a fee chargeable for non-AFDC services;
- o Section 78-45d-1 et seq., the mandatory income withholding law;
- o Section 78-45b-1 et seq., the administrative process;
- o Section 59-14A-80, the state income tax refund intercept law;
- o Sections 78-45b-7 and 78-45b-9, which provide for the imposition of liens against real and personal property;
- o Section 78-45b-17.1, the provision by which a court may require a parent to post a bond or security to insure future support payments;
- o Section 78-45b-24, which allows the release of information concerning an obligor's child support obligation to consumer credit agencies;
- o Section 30-3-5, which provides for the inclusion of medical insurance in support orders;
- o Section 78-45b-2(5)(b), which provides for the collection of spousal support.

Modifications of and additions to Utah law to meet the Child Support Enforcement Amendments of 1984 would include:

- * Amending Section 78-45d-1 et seq., the mandatory income withholding law, to include:
  - *provision to allow State to allocate withheld amounts among multiple orders;
  - *provision stating that payment of overdue support upon notice of withholding cannot be used as the sole basis for preventing the initiation of withholding;
  - *simplification of the process by the State, such as allowing the employer to remit all withheld amounts in one check;
- * Amending Section 78-45b-1 et seq., the administrative process, to include:
  - *procedures to insure the qualifications of the presiding officers;
  - *the functions performed by the presiding officers must include:
    - o accepting voluntary acknowledgement of support liability and stipulated agreements setting the amount of support to be paid;
    - o entering default orders if the absent parent does not respond to notice or other State process within a reasonable period of time specified by the State;
- * Amending Section 59-14A-80, the state income tax refund intercept law, to include:
  - *provision to notify non-AFDC custodial parents if AFDC arrearages are satisfied first;
  - *procedures for prompt refund or distribution of collections;
  - *procedure for revenue agency to provide absent parent's address and Social Security Number to IV-D agency.

* Asterisks indicate those provisions for which there is no state legislation or inadequate state legislation, but which have been implemented in total or in part either administratively or by state regulation. Therefore, legislative activity may be unnecessary.

VERMONT

The federal Child Support Amendments of 1984 mandate certain legislative modifications of the Vermont Child Support program. The following provisions in Vermont law contain many of the features mandated by P.L. 98-378:

- o 15 Section 780 et seq., the mandatory income withholding law;
- o 33 Section 2711 et seq., the administrative process;
- o 32 Section 5931 et seq., the state income tax refund intercept law;
- o 33 Section 2725 and 15 Section 291, which allow for the imposition of liens against real and personal property;
- o 15 Section 757, the provision by which a court may require a parent to post a bond or security to insure future support payments;
- o 15 Section 331, which allows the establishment of paternity until a minor's 18th birthday;
- o 15 Section 654, guidelines to be used in the determination of support awards;
- o 15 Section 780 -790, which provide for the collection of spousal support.

Modifications of and additions to Vermont law to meet the Child Support Enforcement Amendments of 1984 would include:

- o Amending 15 Section 780 et seq., the mandatory income withholding law, to include:
  - --provision for a non-custodial parent to request withholding at an earlier date;
  - --provision limiting obligor's defenses to mistakes of fact in contested withholding cases;
  - --provision to allow State to allocate withheld amounts among multiple orders;
  - --provision stating that payment of overdue support upon notice of withholding cannot be used as the sole basis for preventing the initiation of withholding;
  - --provision for advance notice to be sent to the absent parent which says that withholding applies to subsequent employment;
  - --simplification of the process by the State, such as allowing the employer to remit all withheld amounts in one check;
  - --withheld amount must be sent to the State within 10 days of the date the obligor is paid;
  - --designation by the State of a publicly accountable agency to administer the withholding system;
- o Amending 33 Section 2711 to specify mandatory use of the expedited process to establish and enforce support orders in intrastate and interstate cases, and to include:
  - --provision stating that the presiding officer cannot be a judge;
  - --procedure for temporary orders to be entered by the expedited process in complex cases;
  - --procedure to provide the parties with copies of the order;
  - --procedures to insure the qualifications of the presiding officers;
  - --the functions performed by the presiding officers must include:
    - o accepting voluntary acknowledgement of support liability

and stipulated agreements setting the amount of support to be paid;

- o Amending 32 Section 5931 et seq., the state income tax refund intercept law, to include a provision to notify non-AFDC custodial parents if AFDC arrearages are satisfied first;
- o Enacting a provision to:
  --allow the release of information concerning an obligor's child support obligation to consumer credit agencies;
  --make procedure mandatory when arrearage is over $1000;
  --include a procedure for advance notice to the absent parent and for an opportunity to contest the accuracy of the information.

A state may request an exemption from any of these requirements. To request an exemption from the Department of Health and Human Services, the state need only submit copies of existing administrative regulations or court rules that show compliance with any of these provisions or data to support alternative practices.

VIRGINIA

The federal Child Support Amendments of 1984 mandate certain legislative modifications of the Virginia Child Support program. The following provisions in Virginia law contain many of the features mandated by P.L. 98-378:

- o Section 63.1-287, which provides for equal treatment of AFDC and non-AFDC clients and for a fee chargeable for non-AFDC services;
- o Sections 20-79.1 and 63.1-250.3, the mandatory income withholding laws;
- o Section 63.1-250 et seq., the administrative process law;
- o Section 58.1-520 et seq., the state income tax refund intercept law;
- o Sections 63.1-255 and 63.1-259, which provide for the imposition of liens on real and personal property;
- o Sections 63.1-250.4, 63.1-256, 63.1-267.1, and 20-114, provisions by which a court may require a parent to post a bond or security to insure future support payments;
- o Section 63.1-53, which allows the release of information concerning an obligor's child support obligation to consumer credit agencies;
- o Sections 20-60.3 and 63.1-250.1, which provide for the inclusion of medical support in child support orders;
- o Section 20-731, which provides for the collection of spousal support.

Modifications of and additions to Virginia law to meet the Child Support Enforcement Amendments of 1984 would include:

- * Amending Sections 20-79.1 and 63.1-250.3, the mandatory income withholding law, to include the amount owed in the advance notice sent to the absent parent;
- * Amending 63.1-250 et seq., the administrative proccess, to include a procedure for the entering of temporary orders in complex cases;
- * Amending 58.1-520 et seq., the state income tax refund intercept, to include:
  - *provision to notify non-AFDC custodial parents if AFDC arrearages are satisfied first;
  - *procedure for prompt refund or distribution of collections;
- * Amending Sections 63.1-250.4 , 63.1-256, 63.1-267.1, and 20-114 to allow the use of bonds in all IV-D cases.

* Asterisks indicate those provisions for which there is no state legislation, or inadequate legislation, but which have been implemented, in total or in part either administratively or by state regulation. Therefore, legislative activity may be unnecessary.

WASHINGTON

The federal Child Support Amendments of 1984 mandate certain legislative modifications of the Washington Child Support program. The following provisions in Washington law contain many of the features mandated by P.L. 98-378:

- o Section 74.20.040, which provides for equal treatment of AFDC and non-AFDC clients and for a fee chargeable for non-AFDC services;
- o Section 26.18.060 and Section 74.20A.020 et seq., the income withholding law;
- o Section 74.20.040 and Section 74.20A.010 et seq., the administrative process law;
- o Section 74.20A.060, which provides for the imposition of liens against real and personal property;
- o Section 26.18.150, the provision by which a court may require a parent to post a bond or security to insure future support payments;
- o Section 74.20.280, which allows the release of information concerning an obligor's child support obligation to consumer credit agencies;
- o Section 26.26.060, which allows establishment of paternity until a minor's 18th birthday;
- o Section 74.20.270 and Section 74.20A.055, guidelines to be used in the determination of support awards;
- o Section 26.09.105, which provides for the inclusion of medical insurance in support orders;
- o Section 74.20A.020, which provides for the collection of spousal support.

Modifications of and additions to Washington law to meet the Child Support Enforcement Amendments of 1984 would include:

- * Amending Section 26.18.060 and Section 74.20A.020 et seq., the income withholding law, to include:
  - *triggering of withholding when the amount of arrearages equals the amount of one month's support;
  - *provision for a non-custodial parent to request withholding at an earlier date;
  - *the amount withheld includes current support and payment towards the liquidation of arrearages;
  - *provision limiting obligor's defenses to mistakes of fact in contested withholding cases;
  - *provision to allow State to allocate withheld amounts among multiple orders;
  - *provision stating that payment of overdue support upon notice of withholding cannot be used as the sole basis for preventing withholding;
  - *provision for termination of withholding under which payment of overdue support cannot be the sole basis for termination;
  - *withheld amount must be sent to the State within 10 days of the date the obligor is paid;
  - *procedure for employer to notify the State or local withholding agency of the termination of the obligor's

employment and of the obligor's last known address as well as the name and address of the new employer, if known;
*provision for withholding income in all interstate cases;
*provision for prompt distribution of withheld amounts to the obligee;

* Amending Sections 74.20.040 and 74.20A.010 to include:
*provision specifying mandatory use of the expedited process to establish and enforce support orders for non-AFDC and intersate cases;
*provision for orders to have the same force and effect as judicial orders;

* Amending Section 74.20.280 to:
*make the procedure mandatory when arrearage is over $1000;
*include a procedure for advance notice to the absent parent and for an opportunity to contest the accuracy of the information.

* Asterisks indicate those provisions for which there is no state legislation, or inadequate legislation, but which have been implemented in total or in part either administratively or by state regulation. Therefore, legislative activity may be unnecessary.

WEST VIRGINIA

The federal Child Support Amendments of 1984 mandate certain legislative modifications of the West Virginia Child Support program. The following provisions in West Virginia law contain many of the features mandated by P.L. 98-378:

- Section 48A-5-6, the mandatory income withholding law;
- Section 48A-2-16, the state income tax refund intercept law;
- Section 48A-5-4, which allows the imposition of liens against real and personal property;
- Section 48A-5-6, the provision by which a court may require a parent to post a bond or security to insure future support payments;
- Section 48A-6-1, which allows the establishment of paternity until a minor's 18th birthday;
- Section 48A-2-19, which allows the release of information concerning an obligor's child support obligation to consumer credit agencies.

Modifications of and additions to West Virginia law to meet the Child Support Enforcement Amendments of 1984 would include:

- Amending Section 48A-5-3, the mandatory income withholding law, to include a provision to allow the State to allocate withheld amounts among multiple orders.

A state may request an exemption from any of these requirements. To request an exemption from the Department of Health and Human Services, the state need only submit copies of existing administrative regulations or court rules that show compliance with any of these provisions or data to support alternative practices.

WISCONSIN

The federal Child Support Amendments of 1984 mandate certain legislative modifications of the Wisconsin Child Support program. The following provisions in Wisconsin law contain many of the features mandated by P.L. 98-378:

- o Section 46.25, which provides for equal treatment of AFDC and non-AFDC clients and for a fee chargeable for non-AFDC services;
- o Section 767.265, the mandatory income withholding law;
- o Sections 767.13-.145, 767.16 to 767.17, 767.29 and 757.69, the provisions creating an expedited judicial procedure;
- o Sections 46.255 and 71.105, the state income tax refund intercept law;
- o Section 767.30, which provides for the imposition of liens against real and personal property and is the provision by which a court may require a parent to post a bond or security to insure future support payments;
- o Section 767.395(3), guidelines to be used in the determination of support awards;
- o Sections 46.25 and 767.25, which provide for the inclusion of medical insurance in support orders;
- o Section 46.25, which provides for the collection of spousal support.

Modifications of and additions to Wisconsin law to meet the Child Support Enforcement Amendments of 1984 would include:

- o Amending Section 767.265, the mandatory income withholding law, to include:
  - --recognition of Consumer Credit Protection Act limitations;
  - --provision to allow State to allocate withheld amounts among multiple orders;
  - --provision stating that payment of overdue support upon notice of withholding cannot be used as the sole basis for preventing the initiation of withholding;
  - --provision for termination of withholding under which payment of overdue support cannot be the sole basis for termination;
  - --simplification of the process by the State, such as allowing the employer to remit all withheld amounts in one check;
  - --withheld amount must be sent to the State within 10 days of the date the obligor is paid;
  - --procedure for employer to notify the State or local withholding agency of the obligor's last known address as well as the name and address of the new employer, if known;
  - --procedure to implement the withholding no later than the first pay period that occurs after 14 days from the mailing date on the notice;
  - --provision for prompt distribution of withheld amounts to the obligee;
- * Amending Sections 46.255 and 71.105, the state income tax refund intercept law, to include:
  - *provision to notify non-AFDC custodial parents if AFDC arrearages are satisfied first;
  - *procedure for revenue agency to provide absent parent's address and Social Security Number to IV-D agency;

* Amending Section 767.30 to include a provision which requires that the absent parent receive advance notice of the impending action and information as to the procedures to contest the action in compliance with the State's due process requirements;

o Enacting a provision to:
  --allow the release of information concerning an obligor's child support obligation to consumer credit agencies;
  --make procedure mandatory when arrearage is over $1000;
  --include a procedure for advance notice to the absent parent and for an opportunity to contest the accuracy of the information.

The federal Child Support Amendments of 1984 allow the state of Wisconsin to apply for a special waiver, the "Wisconsin Child Support Initiative," to permit the state an adequate testing period to create programs which insure "minimun benefits" for Wisconsin's children.

* Asterisks indicate those provisions for which there is no state legislation, or inadequate legislation, but which have been implemented in total or in part either administrativley or by state regulation. Therefore, legislative activity may be unnecessary.

WYOMING

The federal Child Support Amendments of 1984 mandate certain legislative modifications of the Wyoming Child Support program. The following provisions in Wyoming law contain many of the features mandated by P.L. 98-378:

- Section 20-6-105, which provides for equal treatment of AFDC and non-AFDC clients and for a fee chargeable for non-AFDC services;
- Section 20-6-201 et seq., the mandatory income withholding law;
- Section 1-17-411, which allows the imposition of liens on real and personal property;
- House Bill 1671 (1985), the provision by which a court may require a parent to post a bond or security to insure future support payments;
- Section 14-2-105, which allows for establishment of paternity until a minor's 18th birthday;
- Section 20-6-106, which allows the release of information regarding an obligor's child support obligation to consumer credit agencies;
- Section 20-6-104(ii), which provides for the inclusion of medical insurance in support orders.

Modifications of and additions to Wyoming law to meet the Child Support Enforcement Amendments of 1984 would include:

- Amending Section 20-6-201, the mandatory income withholding law, to include the following provisions:
  --provision specifying that payment of overdue support upon notice of withholding cannot be used as the sole basis for preventing the initiation of withholding;
  --provision for State to notify the obligor of the outcome of the contest, the withholding time frame, if appropriate, and the contents of the notice to the employer within 45 days of the contest;
- Provision specifying mandatory use of an expedited process to establish and enforce support orders in intrastate and interstate cases and to include:
  --provision stating that the presiding officer cannot be a judge;
  --procedure for temporary orders to be entered by the expedited process in complex cases;
  --provision for orders to have the same force and effect as judicial orders;
  --provision to protect the due process rights of the parties;
  --procedure to provide the parties with copies of the order;
  --procedures to insure the qualifications of the presiding officers;
  --the functions performed by the presiding officers must include:
    - taking testimony and establishing a record;
    - evaluating evidence and making recommendations or decisions to establish and enforce orders;
    - accepting voluntary acknowledgement of support liability and stipulated agreements setting the amount of support to be paid;

- entering default orders if the absent parent does not respond to notice or other State process within a reasonable period of time specified by the State.

A state may request an exemption from any of these requirements. To request an exemption from the Department of Health and Human Services, the state need only submit copies of existing administrative regulations or court rules that show compliance with any of these provisions or data to support alternative practices.

DISTRICT OF COLUMBIA

The federal Child Support Amendments of 1984 mandate certain legislative modifications of the District of Columbia Child Support program. The following provisions in District of Columbia law contain many of the features mandated by P.L. 98-378:

- Section 47-1812.11, the income tax refund intercept law;
- Section 15-102, which allows for the imposition of liens on real and personal property;
- Sections 16-911 and 16-916, which provide for the collection of spousal support;
- Section 16-2342, which allows the establishment of paternity until a minor's 18th birthday.

Modifications of and additions to District of Columbia law to meet the Child Support Enforcement Amendments of 1984 would include:

- Enacting a mandatory income withholding law which includes the following provisions;
  - --provision specifying that withholding applies to all IV-D cases;
  - --triggering of withholding when the amount of arrearages equals the amount of one month's support;
  - --provision for a non-custodial parent to request withholding at an earlier date;
  - --elimination of the need to return to court to initiate the withholding;
  - --the amount withheld includes current support and payment towards the liquidation of arrearages;
  - --provision limiting obligor's defenses to mistakes of fact in contested withholding cases;
  - --recognition of Consumer Credit Protection Act limitations;
  - --provision to allow District to allocate withheld amounts among multiple orders;
  - --provision stating that payment of overdue support upon notice of withholding cannot be used as the sole basis for preventing the initiation of withholding;
  - --provision for termination of withholding under which payment of overdue support cannot be the sole basis for termination;
  - --provision for advance notice to be sent to the absent parent on the trigger date and that the notice include the following:
    - o amount owed;
    - o amount to be withheld;
    - o procedures and time frame for contesting the withholding on the basis of mistake of fact;
    - o notice that withholding applies to subsequent employment;
    - o action upon receipt of contest;
    - o notice that withholding will commence if there is no appeal within said time frame;
  - --provision for District to notify obligor of outcome of contest, the withholding time frame, if appropriate, and the contents of the notice to the employer within 45 days of the contest;
  - --simplification of the process by the District such as allowing the employer to remit all withheld amounts in one check;
  - --procedure for advance notice to the employer which includes

the amount to be withheld and any information necessary for the employer to comply with the witholding order;
--withheld amount must be sent to the District within 10 days of the date the obligor is paid;
--employer liability for amounts not withheld;
--employer fine for discharge, discipline, or refusal to hire an obligor because of the withholding order;
--recognition of this income withholding order as having priority over any other legal process under District law;
--procedure for employer to notify the District withholding agency of the termination of the obligor's employment and of the obligor's last known address as well as the name and address of the new employer, if known;
--procedure to implement the withholding no later than the first pay period that occurs after 14 days from the mailing date on the notice;
--procedure for notice to be sent to the employer immediately if the absent parent does not contest the withholding within the time frame available;
--designation by the District of a publicly accountable agency to administer the withholding system;
--provision for withholding income in interstate cases;
--provision for prompt distribution of withheld amounts to the obligee;

- Provision for withholding to be a part of all support orders issued or modified after 10-1-85;
- Provision specifying mandatory use of an expedited process to establish and enforce support orders in intrastate and interstate cases and to include:
--provision stating that the presiding officer cannot be a judge;
--procedure for temporary orders to be entered by the expedited process in complex cases;
--provision for orders to have the same force and effect as judicial orders;
--provision to protect the due process rights of the parties;
--procedure to provide the parties with copies of the order;
--procedure to insure the qualifications of the presiding officers;
--the functions performed by the presiding officers must include:
  - taking testimony and establishing a record;
  - evaluating evidence and making recommendations or decisions to establish and enforce orders;
  - accepting voluntary acknowledgement of support liability and stipulated agreements setting the amount of support to be paid;
  - entering default orders if the absent parent does not respond to notice or other District process within a reasonable period of time specified by the District;
- Amending Section 47-1812.11, the income tax refund intercept law, to include:
--procedure applies to all IV-D cases;
--provision to notify non-AFDC custodial parents if AFDC arrearages are satisfied first;

--procedure for absent parent to receive advance notice of offset and the opportunity to contest;
--procedure for contesting must comply with the District due process requirements;
--procedure for prompt refund or distribution of collections;
--procedure for revenue agency to provide absent parent's address and Social Security Number to IV-D agency;

- Amending Section 15-102 to include the imposition of liens on personal property;
- Enacting a provision to:
  --permit a court to require a parent to post a bond or security to insure future support payments;
  --include provision indicating that the process applies to all IV-D cases;
  --include provision requiring that the absent parent receive advance notice including the procedure to contest the impending action in compliance with the District's due process requirements;
- Enacting a provision to:
  --allow the release of information concerning an obligor's child support obligation to consumer credit agencies;
  --make procedure mandatory when arrearage is over $1000;
  --include a procedure for advance notice to the absent parent and for an opportunity to contest the accuracy of the information.

A state may request an exemption from any of these requirements. To request an exemption from the Department of Health and Human Services, the state need only submit copies of existing administrative regulations or court rules that show compliance with any of these provisions or data to support alternative practices.

Note: On October 9, 1986, the Council of the District of Columbia enacted D.C. Act 6-212, which contains many of the requirements of P.L. 98-378. The Act however must still be considered by the Congress before the District of Columbia can be declared in compliance with the Child Support Enforcement Amendments of 1984.

GUAM

The federal Child Support Amendments of 1984 mandate certain legislative modifications of the Guam Child Support program. The following provision in Guam law contains the following features mandated by P.L. 98-378:

- o Guam Code Annotated Section 2814, which implements a fee for non-AFDC services;
- o Guam Code Annotated Sections 2830 through 2846, the mandatory income withholding law;
- o Guam Code Annotated Section 2823, the income tax refund intercept;
- o Guam Code Annotated Section 2824, which allows a court to require a parent to post a bond or security to insure future support payments;
- o Guam Code Annotated Section 2828, which allows the release of information concerning an obligor's child support obligation to consumer credit agencies;
- o Guam Code Annotated Section 2826, which provides for the inclusion of medical support in child support orders;
- o Guam Code Annotated Section 2833, which provides for the enforcement of spousal support.

Modifications of and additions to Guam law to meet the Child Support Enforcement Amendments of 1984 would include:

- o Amending Guam Code Annotated Section 2828 through Section 2846, the mandatory income withholding law, to include:
  - --triggering of withholding when the amount of arrearages equals the amount of one month's support;
  - --provision for non-custodial parent to request withholding at an earlier date;
  - --provision for advance notice to be sent to the absent parent on the trigger date;
  - --provision limiting obligor's defenses to mistakes of fact in contested withholding cases;
  - --provision stating that payment of overdue support upon notice of withholding cannot be used as the sole basis for preventing the initiation of withholding;
  - --provision for prompt distribution of withheld amounts to the obligee;
- * Provision specifying mandatory use of an expedited process to establish and enforce support orders in intrastate and interstate cases and to include:
  - *provision stating that the presiding officer cannot be a judge;
  - *procedure for temporary orders to be entered by the expedited process in complex cases;
  - *provision for orders to have the same force and effect as judicial orders;
  - *provision to protect the due process rights of the parties;
  - *procedure to provide the parties with copies of the order;
  - *procedures to insure the qualifications of the presiding officers;
  - *the functions performed by the presiding officers must include:
    - o taking testimony and establishing a record;

- evaluating evidence and making recommendations or decisions to establish and enforce orders;
- accepting voluntary acknowledgement of support liability and stipulated agreements setting the amount of support to be paid;
- entering default orders if the absent parent does not respond to notice or other Territorial process within a reasonable period of time specified by the State.

A state may request an exemption from any of these requirements. To request an exemption from the Department of Health and Human Services, the state need only submit copies of existing administrative regulations or court rules that show compliance with any of these provisions or data to support alternative practices.

* Asterisks indicate those provisions for which there is no state legislation, or inadequate legislation, but which have been implemented in total or in part either administratively or by state regulation. Therefore, legislative activity may be unnecessary.

PUERTO RICO

The federal Child Support Amendments of 1984 mandate certain legislative modifications of the Puerto Rico Child Support program. The following provisions in Puerto Rico law contain many of the features mandated by P.L. 98-378:

- 3 Section 2111-2, which provides for equal treatment for both non-AFDC and AFDC clients and for a fee chargeable for non-AFDC services;
- 30 Section 1801 et seq., the imposition of liens on real property;
- 31 Section 505, which allows the establishment of paternity until a minor's 18th birthday;
- Section 23 of Senate Bill 413 (1985), which allows the release of information regarding an obligor's child support obligation to consumer credit agencies.

Modifications of and additions to Puerto Rico law to meet the Child Support Enforcement Amendments of 1984 would include:

- Amending Sections 6, 7, and 8 of Act 106 of 1985 to provide for mandatory income withholding for all IV-D cases, and to include:
  --elimination of the need to return to court to initiate the withholding;
  --the amount withheld includes current support and payment towards the liquidation of arrearages;
  --provision to allow State to allocate withheld amounts among multiple orders;
  --provision stating that payment of overdue support upon notice of withholding cannot be used as the sole basis for preventing the initiation of withholding;
  --provision for termination of withholding under which payment of overdue support cannot be the sole basis for termination;
  --provision for advance notice to be sent to the absent parent, including the following:
    - notice that withholding applies to subsequent employment;
    - State action upon receipt of contest;
    - notice that withholding will commence if there is no appeal within said time frame;
  --provision for State to notify obligor of outcome of contest, the withholding time frame, if appropriate, and the contents of the notice to the employer within 45 days of the contest;
  --procedure for advance notice to the employer which specifies the amount to be withheld and any information necessary for the employer to comply with the withholding order;
  --procedure for notice to be sent to the employer immediately if the absent parent does not contest the withholding within the time frame available;
  --provision for prompt distribution of withheld amounts to the obligee;
- Provision for withholding to be a part of all support orders issued or modified after 10-1-85;

- Provision specifying mandatory use of an expedited process to establish and enforce support orders in intrastate and interstate cases and to include:
  - --provision stating that the presiding officer cannot be a judge;
  - --procedure for temporary orders to be entered by the expedited process in complex cases;
  - --provision for orders to have the same force and effect as judicial orders;
  - --provision to protect the due process rights of the parties;
  - --procedure to provide the parties with copies of the order;
  - --procedures to insure the qualifications of the presiding officers;
  - --the functions performed by the presiding officers must include:
    - taking testimony and establishing a record;
    - evaluating evidence and making recommendations or decisions to establish and enforce orders;
    - accepting voluntary acknowledgement of support liability and stipulated agreements setting the amount of support to be paid;
    - entering default orders if the absent parent does not respond to notice or other State process within a reasonable period of time specified by the State;
- Amending Section 5 of Act 106 of 1985, the income tax refund intercept law, to include:
  - --provision to notify non-AFDC custodial parents if AFDC arrearages are satisfied first;
  - --procedures for prompt refund or distribution of collections;
- Amending 30 Section 1801 et seq., concerning the imposition of liens, to indicate that the process is mandatory in all IV-D cases;
- Amending Section 56.3 of the Rules of Civil Procedure to include a provision requiring that the absent parent receive advance notice including the procedures to contest the impending action in compliance with the State's due process requirements.

A state may request an exemption from any of these requirements. To request an exemption from the Department of Health and Human Services, the state need only submit copies of existing administrative regulations or court rules that show compliance with any of these provisions or data to support alternative practices.

VIRGIN ISLANDS

The federal Child Support Amendments of 1984 mandate certain legislative modifications of the Virgin Islands Child Support program. The following provisions in Virgin Islands law contain many of the features mandated by P.L. 98-378:

- 16 Section 352, the mandatory income withholding law;
- 16 Section 355, which provides for an expedited administrative process;
- 16 Section 354 and 33 Section 1828, the income tax refund intercept law;
- 5 Section 425, provisions allowing for the imposition of liens against real and personal property;
- 16 Section 365, the provision by which a court may require a parent to post a bond or security;
- 16 Section 291, which allows the establishment of paternity until a minor's 18th birthday;
- 16 Section 366, which allows the release of information regarding an obligor's child support obligation to consumer credit reporting agencies;
- 16 Section 341(g). which provides for the inclusion of medical support in child support orders.

Modifications of and additions to Virgin Islands law to meet the Child Support Enforcement Amendments of 1984 would include:

- Amending 16 Section 352, the mandatory income withholding law, to include a provision requiring prompt distribution of withheld amounts to the obligee.

A state may request an exemption from any of these requirements. To request an exemption from the Department of Health and Human Services, the state need only submit copies of existing administrative regulations or court rules that show compliance with any of these provisions or data to support alternative practices.

APPENDIX A

STATE OPTIONS

In addition to those provisions mandated by the federal Child Support Enforcement Amendments of 1984, states are presented with optional provisions, which may be incorporated into a state's child support program. These options contained in P.L. 98-378 include:

- Withholding may be triggered at any time prior to the accrual of arrearages equal to one month's support.
- An employer's fee for withholding may be imposed, but the employer may waive it.
- Withholding may be extended to forms of income other than wages.
- Payment through the withholding agency may be requested by the absent or custodial parent on payment of an annual fee not to exceed actual costs or $25, whichever is less.
- Expedited processes may be extended to include the establishment of paternity.
- States may elect to report arrearages of less than $1,000 to credit bureaus.
- Collection techniques may be used to offset overdue amounts for individuals who are over the age of majority.
- The non-AFDC application fee of no more than $25, although required, may be charged to the custodial parent, the noncustodial parent, or it may be absorbed by the state at its own expense.
- The above fee may be retained by political subdivisions.
- The first funds collected through state income tax refund intercept may be applied to arrearages assigned to the state.
- A late payment fee of not less that 3 percent and not more than 6 percent may be imposed on overdue support payable to the absent parent, but may not be collected until overdue support is satisfied and cannot reduce amount paid for the child.

For more information, contact Mark Weston or Charles Brackney, National Conference of State Legislatures, 1050 Seventeenth Street, Suite 2100, Denver, Colorado 80265, 303/623-7800.

APPENDIX B

STATE STATUTORY CITES

ALA. CODE
ALASKA STAT.
ARIZ. REV. STAT. ANN.
ARK. STAT. ANN.
CALIF. CODE
COLO. REV. STAT.
CONN. GEN. STAT.
DEL. CODE ANN.
FLA. STAT. ANN.
GA. CODE ANN.
HAWAII REV. STAT.
IDAHO CODE.
ILL. REV. STAT.
IND. CODE ANN.
IOWA CODE ANN.
KAN. STAT. ANN.
KY. REV. STAT.
LA. REV. STAT.
ME. REV. STAT. ANN.
MD. CODE ANN.
MASS. GEN. LAWS ANN.
MICH. COMP. LAWS ANN. and MICH. STAT. ANN.
MINN. STAT. ANN.
MISS. CODE ANN.
MO. ANN. STAT.
MONT. REV. CODES ANN.
NEB. REV. STAT.
NEV. REV. STAT.
N.H. REV. STAT.
N.J. STAT. ANN.
N.M. STAT. ANN.
N.Y. LAW
N.C. GEN. STAT.
N.D. CENT. CODE
OHIO REV. CODE ANN.
OKLA. STAT. ANN.
OR. REV. STAT.
P.A. CONS. STAT. ANN.
R.I. GEN. LAWS ANN.
S.C. CODE
S.D. CODIFIED LAWS ANN.
TENN. CODE ANN.
TEX. CODE ANN.
UTAH CODE ANN.
VT. STA. ANN.
VA. CODE
WASH. REV. CODE
W. VA. CODE
WISC. STAT. ANN.
WYO. STAT.
D.C. CODE ANN.
GUAM CIV. CODE
P.R. LAWS ANN.
V.I. CODE ANN.

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APPENDIX C

ANNOUNCEMENT
SPECIAL FUNDS AVAILABLE FOR TECHNICAL ASSISTANCE

State child support enforcement programs insure that parents honor their financial obligations to their children. The Child Support Enforcement Amendments of 1984 require new state statutory language regarding these programs. The Child Support Enforcement Project of the National Conference of State Legislatures (NCSL) currently has funds available to conduct on-site technical assistance to aid state legislators in a variety of areas for assessing problems and identifying solutions to improve their state programs, including help with assessing program activities, developing and drafting legislation, preparing testimony for committee hearings, and conducting workshops geared to the particular needs of the state. Funds are available, upon approval of the Office of Child Support Enforcement, to facilitate these activities by providing experts from other states--legislators, academicians, and prominent individuals from the private sector. The services offered above reflect work we have already completed in many states. Project staff are pleased to work with you on these or similar activities. They are also available to assist your state in designing a program tailored to your state's specific needs.

If you are interested in more information, or would like to request on-site assistance from our staff, please contact Mark Weston, Manager, Child Support Enforcement Project, at the National Conference of State Legislatures, 303/623-7800.

*U.S. G.P.O. 1987-172-866

The NCSL Child Support Enforcement Project

The NCSL Child Support Enforcement Project began its eighth year of service to the 50 state legislatures on July 15, 1986, under a three-year contract with the Office of Child Support Enforcement, U.S. Department of Health and Human Services. The focus of the project will continue to be to provide information and technical assistance to legislators who are interested in making their state child support enforcement programs more effective. During the new contract period, project services, all of which are provided free to legislators and their staffs, will include:

Technical Assistance

Each year, the project will provide on-site technical assistance to 15 states. In the past, technical assistance has taken a variety of forms according to the specific and unique needs of each state. It has involved legislative analysis, bill drafting, research, testimony before committees, program evaluation, and workshops.

Information Releases

Over the years, the project has developed numerous publications for dissemination to legislators, legislative staff, and state administrators. In 1986, four information releases will be published, all of which will be available upon request.

Information Clearinghouse

The project operates a legislative information clearinghouse. Since its inception, the project has responded to thousands of requests for information, research, and materials each year.

Legislative Advisory Committee

In 1986, the project established a Child Support Enforcement Legislative Advisory Committee. A subcommittee of the Task Force on Children, Youth, and Families, the advisory committee will identify the needs of state legislatures with regard to child support enforcement and advise the project on many of its activities. The committee will meet three times annually.

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